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THE ACTS

PASSED BY THE

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LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE

YEAR 1876.

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1877.

TITLES OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1876.

ACTS OF 1876.

ACT No. I.—An Act to provide for the voluntary registration of Mahomedan marriages and divorces.

" II.—An Act to amend Act XI of 1849, Act XXI of 1856, and Act IV (B.C.) of 1866.

" III.—An Act to provide for irrigation in the provinces subject to the Lieutenant-Governor of Bengal.

" IV.—An Act to consolidate and amend the law relating to the municipal affairs of Calcutta.

" V.—An Act to amend and consolidate the law relating to municipalities.

" VI.—An Act to provide for inquiry into disputes regarding rent and to prevent agrarian disturbances.

" VII.—An Act to provide for the registration of revenue-paying and revenue-free lands, and of the proprietors and managers thereof.

" VIII.—An Act to make better provision for the partition of estates.

ACT No. I OF 1876.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 23rd November* 1875, *and of the Governor-General on the* 11*th January* 1876.)

An Act to provide for the Voluntary Registration of Mahomedan Marriages and Divorces.

Preamble.

Whereas it is expedient to provide for the voluntary registration of marriages and divorces among Mahomedans: It is enacted as follows:—

Local extent.

1. This Act shall commence and take effect in those districts in the provinces subject to the Lieutenant-Governor of Bengal, to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*; and thereupon this Act shall commence and take effect in the districts named in such order, on the day which shall be in such order provided for the commencement thereof.

Interpretation

2. In this Act—unless there be something repugnant in the subject or context—

"Mahomedan Registrar."

"Mahomedan Registrar" means any person who is duly authorized under this Act to register marriages and divorces.

"Inspector-General of Registration" "Registrar"

"Inspector-General of Registration" and "Registrar" respectively mean the officers so designated and appointed under the Indian Registration Act, 1871, or other law for the time being in force for the registration of documents.

"District."

"District" means a district formed under the provisions of the Indian Registration Act, 1871.

"Purdah Nisheen."

"Purdah nisheen" means a woman who, according to the custom of the country, might reasonably object to appear in a public office.

Lieutenant-Governor may grant licenses to register.

3. It shall be lawful for the Lieutenant-Governor to grant a license to any person, being a Mahomedan, authorizing him to register Mahomedan marriages and divorces which have been effected within certain specified limits, on application being made to him for such registration; and in like manner it shall be lawful for the said Lieutenant-Governor to revoke or suspend such license:

Provided that no more than two persons shall be licensed to exercise the said functions within the same limits: and provided further that when two persons are so licensed to act within the same limits, the one shall be a member of the Sunni, and the other of the Shiah sect.

Mahomedan Registrars to use seals.

4. Every Mahomedan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Mahomedan Registrar of "

Government to provide seal and books.

5. The Lieutenant-Governor shall supply for the office of every Mahomedan Registrar the seal and the books necessary for the purposes of this Act.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Mahomedan Registrar to keep registers.

6. Every Mahomedan Registrar shall keep up the following register books:

Book I.—Register of marriages in the form (A) contained in the schedule to this Act.

Book 2.—Register of divorces other than those of the kind known as *Khula*, in the form (B) contained in the schedule to this Act.

Book 3.—Register of divorces of the kind known as *Khula*, in the form (C) contained in the schedule to this Act.

Entries to be numbered.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Applications by whom to be made.

8. Every application for registration under this Act shall be made to the Mahomedan Registrar orally as follows:—

If the application be for the registration of a marriage:

By the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians: and provided further that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

If the application be for registration of a divorce other than of the kind known as Khula:

By the man who has effected the divorce.

If the application be for the registration of a divorce of the kind known as Khula:

By the parties to the divorce jointly: provided that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

Duties of Mahomedan Registrar on application being made.

9. On application being made to a Mahomedan Registrar for registration under this Act of a marriage or divorce within one month of the marriage or divorce being effected, and not otherwise, and on payment to him of a fee of one rupee, the Mahomedan Registrar shall—

(*a*) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected;

(c) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil), satisfy himself of the right of such person to appear.

If the Mahomedan Registrar be satisfied on the above points, and not otherwise, he shall make an entry of the marriage or divorce in the proper register:

Provided that no such entry shall be made otherwise than in the presence of every person who, by section eleven of this Act, is required to sign such entry.

Mahomedan Registrar may receive gratuity.

10. Nothing in the preceding section shall be held to prohibit a Mahomedan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee, when such gratuity is voluntarily tendered.

Entries by whom to be signed.

11. Every entry in a register kept under this Act shall be signed as follows:—

If the entry be of a marriage in a register in the form (A) contained in the Schedule to this Act —

(1) By the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively: provided that if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil.

(2) By two witnesses who were present at the marriage ceremony:

(3) In cases in which the woman is represented by a vakil, by two witnesses to the fact of the vakil having been duly authorized to represent her:

(4) By the Mahomedan Registrar.

If the entry be of a divorce other than the kind known as Khula in a register in the form (B) contained in the Schedule to this Act—

(1) By the man who has effected the divorce:

(2) By the witness who identifies the man who has effected the divorce:

(3) If the man be of the Shiah sect, by two witnesses to the divorce being effected:

(4) By the Mahomedan Registrar.

If the entry be of a divorce of the kind known as Khula in a register in the form (C) contained in the Schedule to this Act—

(1) By the parties to the *Khula:* provided that if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil:

(2) By the person who identifies the man:

(3) By the person who identifies the woman:

(4) If the application for registration has been made by a vakil on behalf of the woman, by two witnesses to the fact of the vakil having been duly authorized to represent her:

(5) If the man be of the Shiah sect, by two witnesses to the divorce being effected:

(6) By the Mahomedan Registrar.

Copies of entry to be given to parties.

12. On completion of the registration of any marriage or divorce, the Mahomedan Registrar shall deliver to each of the applicants for registration an attested copy of the entry; and for such copy no charge shall be made.

Index to be kept up.

13. In every office in which any register hereinbefore mentioned is kept, there shall be prepared a current index of the contents of such register; and every entry in such index shall be made, so far as practicable, immediately after the Mahomedan Registrar has made an entry in any such register.

Particulars to be shown in index.

14. The index mentioned in the last preceding section shall contain the name, place of residence, and father's name of each party to every marriage or divorce, and the date of registration. It shall also contain such other particulars, and shall be prepared in such form as the Lieutenant-Governor may direct.

Index may be inspected and copies of entries in registers taken.

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Mahomedan Registrar or of the Registrar of the District, and the copies of entries in such index, which are filed in the office of the Registrar of the District under the provisions of section twenty-two of this Act

shall be at all times open to inspection by any person applying to inspect the same; and copies of entries in any of the registers, and of the certified copies of such entries, which are filed in the office of the Registrar of the District under section twenty-two of this Act, shall be given to all persons applying for such copies.

Such copies shall be signed and sealed by the Registrar of the District or by the Mahomedan Registrar, as the case may be.

Fees for searches and copies.

16. Every Registrar of a District and every Mahomedan Registrar shall, for the purposes of this Act, be entitled to levy the following fees: –

For every search or permission to search in any index or register under his charge—four annas.

For every certified copy of any entry in a register other than the first copy referred to in section twelve of this Act—one rupee.

Mahomedan Registrars to be subject to control of District Registrar.

17. Every Mahomedan Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Mahomedan Registrar is situate.

In the town of Calcutta every Mahomedan Registrar shall perform the duties of his office under the superintendence and control of the Inspector-General of Registration.

Every Registrar, and in the town of Calcutta the Inspector-General of Registration, shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act, which he considers necessary in respect of any act or omission of any Mahomedan Registrar subordinate to him.

Inspector-General of Registration to exercise general superintendence.

18. The Inspector-General of Registration shall exercise a general superintendence over offices of all Mahomedan Registrars, and shall have power from time to time to frame rules consistent with this Act for the guidance of the said Mahomedan Registrars, and the regulation of their offices generally.

Rules to be approved by Lieutenant-Governor and published in Gazette.

19. All rules framed in accordance with the last preceding section shall be submitted to the Lieutenant-Governor for approval, and after they have been approved, they shall be published in

the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

Refusal to register to be recorded.

20. Every Mahomedan Registrar refusing to register a marriage or divorce shall make an order of refusal, and record his reasons for such order in a book to be kept for that purpose.

Appeal against refusal to register.

21. An appeal shall lie against an order of a Mahomedan Registrar refusing to register a marriage or divorce to the Registrar to whom such Mahomedan Registrar is subordinate, if presented to such Registrar within twenty days from the date of the order, and the Registrar may reverse or alter such order; and the order passed by the Registrar on appeal shall be final.

Copies of entries to be sent monthly to Registrar of District.

22. Every Mahomedan Registrar shall, at the expiration of every month, send certified copies of all entries made by him during the month in the registers mentioned in section six of this Act, and also of the entries which have been made in the index referred to in sections thirteen and fourteen of this Act, to the Registrar of the District within which such Mahomedan Registrar has been authorized to act, and the Registrar, on receiving such copies, shall file them in his office.

Registers to be given up.

23. Every Mahomedan Registrar shall keep safely each register until the same shall be filled, and shall then, or earlier, if he shall leave the District or cease to hold a license, make over the same to the Registrar of the District for safe custody, or to such other person as the Registrar may direct.

Lieutenant-Governor may prescribe rules.

24. The Lieutenant-Governor may from time to time prescribe such rules as he thinks fit, provided that such rules be not inconsistent with any provision of this Act—

(*a*) for determining the qualifications to be required from persons to whom licenses under section three of this Act may be granted;

(*b*) for regulating the attendance of Mahomedan Registrars at the celebration of marriages, and their remuneration for such attendance;

(*c*) for regulating the grant of copies by Registrars and Mahomedan Registrars;

(*d*) for regulating the payment by the Mahomedan Registrars of the cost of the seals, forms of registers, stationery, and any other articles which may be supplied to them by the Government;

(*e*) for regulating the application of the fees levied by Registrars of Districts and Mahomedan Registrars under this Act; and

(*f*) for regulating such other matters as appear to the Lieutenant-Governor necessary to effect the purposes of this Act.

The Lieutenant-Governor may from time to time cancel or alter any such rules.

Mahomedan Registrar to be a public officer.

25. Every Mahomedan Registrar shall be, and be deemed to be a public officer, and his duties under this Act shall be deemed to be public duties.

Saving clause.

26. Nothing in this Act contained shall be construed to—

(*a*) render invalid, merely by reason of its not having been registered, any Mahomedan marriage or divorce which would otherwise be valid;

(*b*) render valid, by reason of its having been registered, any Mahomedan marriage or divorce which would otherwise be invalid;

(*c*) authorize the attendance of any Mahomedan Registrar at the celebration of a marriage, except at the request of all the parties concerned;

(*d*) affect the religion or religious rites and usages of any of Her Majesty's subjects in India;

(*e*) prevent any person, who is unable to write, from putting his mark, instead of the signature required by this Act.

SCHEDULE.

(*See Sections* 6 *and* 11.)

FORM (A). BOOK I.

Register of marriages (as prescribed by section 6 *of the Act for the voluntary registration of Mahomedan marriages and divorces).*

1. Consecutive No.

2. Name of the bridegroom and that of his father, with their respective residences.

3. Name of the bride and that of her father, with their respective residences

4. Whether the bride is a spinster, a widow, or divorced by a former husband, and whether she is adult or otherwise.

5.* Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father, with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom.

6 * Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride.

7 † Name of the bride's vakil, and of his father, and their residences, with specification of the relationship in which the vakil stands to the bride.

8 † Names of the witnesses to the due authorization of the bride's vakil, with names of their fathers and residences, and specification of the relationship in which they stand to the bride.

9. Date on which the marriage was contracted,—to be given according to the English style and according to the era current in the district.

10. Amount of dower.

11. How much of the dower is Moajjul (prompt) and how much Mowujjul (deferred).

12. Whether any portion of the dower was paid at the moment. If so, how much?

13. Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same.

* These columns will be blank if the bride and bridegroom respectively are not represented by guardians

† These columns will be blank when the bride is not represented by a vakil

14. Special conditions, if any.

15. Names of village or town, police jurisdiction, and district in which the marriage took place.

16. Name of the person in whose house the marriage ceremony took place, and that of his father.

17. Date of registration, to be given according to the English style.

FORM (B). BOOK II.

Register of divorces other than those of the kind known as khula (prescribed by section 6 of the Act for the voluntary registration of Mahomedan marriages and divorces.)

1. Consecutive No.

2. Names of the husband and of his father, and their residences.

3. Names of the wife and of her father, and their residences.

4. Date of divorce—according to the English style and according to the era current in the district.

5. Description of divorce.

6. Manner in which the divorce was effected.

7. Names of the village or town, police jurisdiction, and district in which the divorce took place.

8. Name of the party in whose house the divorce took place, and of his father.

9. Names of witnesses to the divorce, if any, the names of their fathers, and their respective residences.

10. Name of party identifying the husband before the Mahomedan Registrar and that of his father, and their residences.

11. Date of registration,—to be given according to the English style.

FORM (C). BOOK III.

Register of divorces of the kind known as khula (prescribed by section 6 of the Act for the voluntary registration of Mahomedan marriages and divorces.).

1. Consecutive No.

2. Name of the husband and that of his father, and their residences.

3. Name of the wife and that of her father, and their residences.

4. Date of *khula*—according to the English style and according to the era current in the district.

5. Amount of dower.

6. Whether *khula* was acknowledged by the wife in person before the Mahomedan Registrar.

7. If so, name of the party identifying her before the Mahomedan Registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.

8.* If the *khula* be acknowledged before the Mahomedan Registrar by the wife's vakíl, his name and that of his father, and their residences, with specification of the relationship which the vakíl bears to the wife, if any.

9. Names of the two witnesses to the due authorization of the wife's vakíl and those of their fathers, with their residences.

10. Name of village or town, police jurisdiction, and district where the *khula* took place.

11. Name of the person in whose house the *khula* took place, and that of his father.

12. Names of the witnesses, if any, to the divorce being affected, the names of their fathers, and their residences.

13. Name of the person identifying the husband, and that of his father, and their residences.

14. Date of registration, to be given in the English style.

* This column will be blank if the woman is not represented by a vakíl.

Reg No 7509 2,000—21-1-76.

ACT No. II of 1876.

Passed by the Lieutenant-Governor of Bengal in Council.

(*Received the assent of the Lieutenant-Governor on the 28th August* 1875, *and of the Governor-General on the 5th February* 1876.)

An Act to amend Act XI of 1849, *Act XXI of* 1856, *and Act IV (B.C.) of* 1866.

Preamble.

Whereas it is expedient to amend Act XI of 1849 (*for securing the Abkaree Revenue of Calcutta*), Act XXI of 1856 (*to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal*), and Act IV (B C.) of 1866 (*for regulating the Police of the Town of Calcutta, &c.*)

It is hereby enacted as follows :—

PART I.

Preliminary.

Local extent and commencement.

1. This Act shall take effect in all the territories under the Government of the Lieutenant-Governor of Bengal from the date on which it may be published with the assent of the Governor-General.

Repeal of Acts.

2. The Acts mentioned in the Schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Price one anna.

PART II.

AMENDMENT AND EXTENSION OF ACT XI OF 1849.

Amendment of certain sections of Act XI of 1849.

3. Act XI of 1849 shall be read as if, for sections four, eight, sixteen, nineteen, twenty, twenty-five, twenty-six, thirty-three, and thirty-four of the said Act, the following sections were substituted :—

Prohibition of unlicensed manufacture or sale of spirits, liquors, or drugs

"4.—Every person who shall manufacture or sell by retail any spirituous or fermented liquors or intoxicating drugs specified in this Act, within the Town of Calcutta, without a license from the Collector of Calcutta, shall be liable to a fine not exceeding five hundred rupees for every such sale; but this enactment shall not apply to the sale by wholesale dealers of such small quantities of beer, wines, or spirits as may appear to the Collector to be used only as samples.

Provided that nothing contained in this section shall affect the arrangements under which taree is supplied to retail vendors, or the sale of such article, or any preparation of the same, when supplied or used for the manufacture of goor or molasses."

Licensees to execute a counterpart engagement.

"8.—Every person taking out a license for the manufacture or sale of spirituous or fermented liquors, or intoxicating drugs as aforesaid, shall execute a counterpart engagement in exact conformity with the tenor of such license."

Additional penalties for illicit manufacture, sale, or possession of spirits, liquors, or drugs.

"16.—Besides the penalties above specified for the illicit manufacture, sale, possession, and carrying of spirituous or fermented liquors, or intoxicating drugs, all the materials and implements used, or intended to be used in the manufacture of the same, and all the liquors or drugs so manufactured, and all such liquors and drugs found in the possession of any offender contrary to the provisions of this Act, shall be seized

and confiscated; and the vessels, packages, and coverings in which such liquors and drugs are found, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation."

Power to arrest persons in possession of contraband liquors or drugs, and to seize the same.

"19.—Any Abkaree or Police Officer may stop, detain, or arrest any person in whose possession may be found any spirituous or fermented liquors or intoxicating drugs not covered by such a pass as is required by this Act, or otherwise liable to confiscation, and may seize the liquors and drugs, with the vessels, packages, and coverings in which the liquors or drugs are found, and the animals and conveyances (if any) used in carrying them."

Powers of search, seizure, and arrest vested in Abkaree Officers under the authority of the Collector, in cases of illicit manufacture, sale, or possession of spirits, liquors, or drugs.

"20.—Whenever the Collector has good reason to believe, either from information given by any person, which shall be taken down in writing, or from his own knowledge, or from the proceedings in any case,

that spirituous or fermented liquors or intoxicating drugs are being unlawfully manufactured or sold in any place, or

that any such liquors or drugs which are liable to confiscation under this Act, are kept or concealed in any place,

the Collector may, by warrant under his hand, empower any Abkaree officer, above the rank of jemadar, by day or by night, but always in the presence of an officer of police not being under the grade of a head constable, to enter into any such place, and to seize and carry away all such liquors or drugs, and all the implements or materials used in the manufacture thereof, and in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure, or

removal as aforesaid, and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful manufacture or sale, or in the unlawfully keeping or concealing of such liquors or drugs, whom he shall find on the premises:

Provided that, where there is ground to suspect that such liquors or drugs are unlawfully concealed in any zenana, the officer charged with the execution of the warrant shall follow, as closely as may be, the rules for the seizure of property so concealed adopted by the High Court of Judicature at Fort William."

Penalty for Abkaree and Police Officer delaying to carry person arrested or articles seized to Collector or Magistrate.

"25. Any Abkaree Officer who shall delay carrying to the Collector, and any Police Officer who shall delay carrying to a Magistrate of Police, any person arrested or any illicit articles seized under this Act, and any Abkaree or Police Officer who shall neglect to report the particulars of an arrest, seizure, or search, within twenty-four hours thereafter, shall be liable to a fine not exceeding two hundred rupees."

Penalty for Abkaree or Police Officer vexatiously seizing goods or arresting any person.

"26. Any Abkaree or Police Officer who shall vexatiously and unnecessarily seize the goods or chattels of any person on the pretence of seizing or searching for illicit spirituous or fermented liquors, or intoxicating drugs, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess not required for the execution of his duty under this Act, shall be liable to a fine not exceeding five hundred rupees."

Disposal of confiscated articles.

"33.—All articles confiscated under this Act, except opium, shall be disposed of by public sale under such rules as the Board of Revenue may prescribe in that behalf. Confiscated opium shall, after examination by a competent officer, be disposed of as the said Board may direct by a special or general order."

"34.—Whenever any fine or forfeiture is levied from a person convicted of the unlawful manufacture of spirituous or fermented liquors, or intoxicating drugs; or of the unlawful sale, purchase, or possession of such liquors or drugs; or of the unlawful cultivation of plants from which intoxicating drugs are produced, the Magistrate who adjudicates the case shall direct the amount of the fine or forfeiture to be divided in such proportions as he may think fit between any persons (whether they be Abkaree or Police officers or otherwise) who were instrumental in the detection of the offence, the seizure of the articles in respect of which the offence was committed, or the capture of the offender. The Magistrate shall also determine the proportions in which the proceeds of the sale of the confiscated articles, except in the case of opium, shall be distributed among the said persons; and in the case of opium confiscated, shall direct that if such opium be declared fit for use by competent authority, a reward of one rupee and eight annas for each seer so confiscated shall be similarly distributed.

Division of fine or forfeiture among Abkaree and Police Officers.

Provided that if any confiscated article shall have been sold or may be sold by the Collector for a price which includes the duty leviable on the said article, such amount as the Collector may determine to represent such duty shall be deducted from the sale proceeds and credited to Government, and the remainder only of the price realized by the sale shall be deemed to be sale proceeds to be distributed under the order of the said Magistrate.

Procedure when confiscated article is sold for a price which includes duty leviable.

The Board of Revenue, with the sanction of the Local Government, may lay down rules for the prompt payment of rewards to officers of such Government and others who have been instrumental in the detection of offences, seizure

Board of Revenue may lay down rules for prompt payment of rewards.

of illicit articles, or capture of offenders under this Act; and any sum which may have been paid to any person under such rules may be taken into account as a part or the whole of the payment which may be awarded by a Magistrate to such person under this section."

Powers of seizure, &c., exercised by Abkaree officers may be conferred upon certain Police Officers.

4. The powers of seizure, search, and arrest given to Abkaree officers by section twenty of the said Act XI of 1849, shall also be exercised by any Police officers who may be specially selected by the Commissioner of Police for such purpose; and the powers which are conferred upon the Collector by the said section, as regards the issue of warrants directed to Abkaree officers, shall also be vested in the Commissioner of Police, in respect of the issue of warrants directed to Police officers, selected in the manner aforesaid:

Provided that, under the said section, it shall not be competent to the Collector to issue a warrant directed to a Police officer, nor shall it be competent to the Commissioner of Police to issue a warrant directed to an Abkaree officer.

Police officer to carry the person arrested and the articles seized to the Magistrate of Police, and to report to the Commissioner of Police.

5. Whenever any Police officer, under the provisions of section nineteen or of section twenty of the said Act XI of 1849, shall arrest any person or shall seize any spirituous or fermented liquor or intoxicating drugs, he shall carry the person arrested, or the illicit articles seized, or both, as the case may be, with all convenient despatch, to a Magistrate of Police, and shall, within twenty-four hours thereafter, make a full report to the Commissioner of Police,

Commissioner to inform Collector.

and the Commissioner of Police shall at once inform the Collector of the fact of the arrest or seizure, and of the circumstances of the case; and the Magistrate of Police shall proceed to adjudicate the case according to law.

6. The Commissioner of Revenue of the division within which the Town of Calcutta is or may be situated shall possess the powers and perform the duties vested by Act XI of 1849 in the Commissioner of Abkaree.

Commissioner of Revenue to have the powers of the Commissioner of Abkaree.

7. Any chemist, druggist, apothecary, or keeper of a dispensary within the Town or Suburbs of Calcutta, or in Howrah, who shall, between sunset and sunrise, allow spirituous or fermented liquors, which have not been *bonâ fide* medicated, to be drunk on his business premises by any person not employed in his business, and any such person who shall, between sunset and sunrise, drink such liquors on such premises shall be liable to a fine of two hundred rupees, in addition to any other penalty to which he may be liable under this or any other Act; and any Abkaree or Police Officer above the rank of peon or chuprassee, who may have reason to believe that the provisions of this section are being infringed, may enter upon such premises and seize and carry away such liquors, and, in case of resistance, break open any door, and force and remove any other obstacle to such entry or seizure, and arrest and detain the owner or occupier of the said premises, with all parties whom he suspects to be concerned in such unlawful drinking; and upon such seizure or arrest as aforesaid, the Abkaree Officer and Collector shall deal with such liquors or persons as provided in section twenty-two of Act XI of 1849, and the Police Officer and a Magistrate of Police shall deal with them as provided in section five of this Act.

Penalty on chemist, etc., allowing liquors to be drunk on the premises.

Abkaree or Police Officer may arrest persons drinking and seize liquors.

8 No person shall be entitled to maintain any action or suit for, or recover in any court of law, any sum or sums of money, debt, or demand whatsoever, for or on account of any spirituous or fermented liquor, or intoxicating drug not supplied for medicinal purposes, sold within the Town or the Suburbs of Calcutta, or in Howrah, unless such debt shall have been *bonâ fide* contracted at one time, to the amount of ten rupees or upwards; and no item in

Petty debts for liquors and drugs not recoverable by action.

any account or demand in any such suit for such articles of drink or such drug shall be allowed or maintained in any court of law as aforesaid, where the said articles delivered at one time, and mentioned in such item, shall not amount to the value of at least ten rupees, and that without fraud or collusion;

provided that nothing herein contained shall affect any action brought to recover any sums for such spirituous or fermented liquors sold to be consumed elsewhere than on the premises in quantities not less at any one time than a reputed quart;

provided also that nothing herein contained shall affect any action brought by a hotel-keeper to recover any sums for any articles of drink consumed by persons who were, at the time when such articles were supplied, residing on the premises.

Prohibition to take articles in pledge for liquor or drugs.

9. Any person (whether holding a license or otherwise) selling spirituous or fermented liquor, or intoxicating drugs for other than medicinal purposes, within the said Town or Suburbs of Calcutta, or in Howrah, who shall take a pledge from any person by way of security for the payment of any sum of money owing by such person for such liquor or such drugs, shall be liable, upon conviction, to a fine not exceeding twenty rupees; and the person to whom such pledge belongs, shall have the same remedy for recovering the same as if it had never been pledged.

PART III.

AMENDMENT AND EXTENSION OF ACT XXI OF 1856.

Amendment of certain sections of Act XXI of 1856.

10. Act XXI of 1856 shall be read as if, for sections thirty-three, fifty, seventy-four, seventy-five, and seventy-six of the said Act, the following sections were substituted:—

Board may prescribe rules to regulate the supply of fermented liquors to licensed vendors, and the cultivation, preparation, storing, possession, and transport of intoxicating drugs.

"33.—The Board of Revenue may, with the sanction of the Lieutenant-Governor, from time to time prescribe rules consistent with this Act,

for regulating the mode in which fermented liquors shall be supplied to licensed vendors of the same;

for subjecting the cultivation of plants from which intoxicating drugs are produced, and the preparation of the said drugs, to such restrictions and supervision as may be deemed necessary to secure the duty leviable thereon;

and for granting licenses or passes to persons cultivating, preparing, storing, possessing, purchasing, or transporting the said plants or drugs.

All such rules shall be published in the *Calcutta Gazette*, and when so published, shall have effect as if they were contained in this Act.

Every person who refuses, or neglects to obey, or contravenes any rule issued and sanctioned under the provisions of this section, shall be liable to a fine not exceeding two hundred rupees."

Provisions of the two last preceding sections not to apply to the sale or possession of taree used in making sugar; nor to the sale or possession of intoxicating drugs by licensed cultivators.

"50.—The provisions of the two last preceding sections, so far as they relate to the sale and possession of fermented liquors, do not apply to the sale and possession of taree, the produce of the date tree, when supplied or used for the manufacture of goor or molasses;

and the provisions of the said sections relating to the sale and possession of intoxicating drugs, do not apply to the sale or possession of such drugs by any person duly authorized under this Act to cultivate the plants which produce these drugs;

Penalty for sale or transfer by cultivators to unlicensed person, or for failure to account for stock of plant in possession.

provided that every such cultivator selling or parting with any such plant, or any preparation made therefrom, to any person other than a licensed vendor, or person duly authorized to purchase the same by pass or license from the Collector, or failing to account for any quantity of such plant, or of any preparation thereof, which shall have been in his possession, shall be liable to a fine not exceeding five hundred rupees."

"74.—Every person who shall be imprisoned under the last preceding section, or on account of the non-payment of any fine levied under this Act, if the offence of which he has been convicted be one with respect to which the information of the Collector or an Abkaree officer is required by section seventy-one of this Act, may be confined either in the civil or in the criminal jail."

Imprisonment may be in the civil or criminal jail.

"75.—All articles confiscated under this Act, except opium, shall be disposed of by public sale under such rules as the Board of Revenue may prescribe in that behalf. Confiscated opium shall, after examination by a competent officer, be disposed of as the said Board may direct by a special or general order."

Disposal of confiscated articles.

"76.—Whenever any fine or forfeiture is levied from a person convicted of the unlawful manufacture of spirituous or fermented liquors, or intoxicating drugs; or of the unlawful sale, purchase, or possession of such liquors or drugs; or of the unlawful cultivation of plants from which intoxicating drugs are produced, the Magistrate who adjudicates the case shall direct the amount of fine or forfeiture to be divided in such proportions as he may think fit between any persons (whether they be Abkaree or Police officers or otherwise) who were instrumental in the detection of the offence, the seizure of the articles in respect of which the offence was committed, or the capture of the offender. The Magistrate shall also determine the proportions in which the proceeds of the sale of the confiscated articles, except in the case of opium, shall be distributed among the said persons; and in the case of opium confiscated, shall direct that, if such opium be declared fit for use by competent authority, a reward of one rupee and eight annas for each seer so confiscated shall be similarly distributed.

Division of fine or forfeiture among Abkaree and Police officers.

Procedure when confiscated article is sold for a price which includes duty leviable.

Provided that if any confiscated articles shall have been sold or may be sold by the Collector for a price which includes the duty leviable on the said article, such amount as the Collector may determine to represent such duty shall be deducted from the sale proceeds and credited to Government, and the remainder only of the price realized by the sale shall be deemed to be sale proceeds, to be distributed under the order of the said Magistrate.

Board of Revenue may lay down rules for prompt payment of rewards.

The Board of Revenue, with the sanction of the Local Government, may lay down rules for the prompt payment of rewards to officers of such Government and others who have been instrumental in the detection of offences, seizure of illicit articles, or capture of offenders under this Act; and any sum which may have been paid to any person under such rules may be taken into account as a part of the whole of the payment which may be awarded by a Magistrate to such person under this section."

Provisions relating to puchwai applicable to fermented liquors not mentioned in the Act.

11. All the provisions of the said Act XXI of 1856, which relate to puchwai, shall apply to any fermented liquor other than those specified in the said Act.

Provided that the Lieutenant-Governor may within any specified district or tract of country exempt any fermented liquor from the provisions of the said Act.

PART IV.

AMENDMENT OF ACT IV (B.C.) OF 1866.

Amendment of section 40 of Act IV (B.C.) of 1866.

12. Act IV (B.C.) of 1866 shall be read as if, for section forty of the said Act, the following section were substituted:—

Penalty for breach of conditions of license.

"40.—Any person committing a breach of any of the conditions which in accordance with section thirty-seven of this Act are included in a license granted under the said Act XI of

1849, or of any of the conditions subject to which a license is given under section thirty-nine of this Act, shall, on summary conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees, and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been caused by the default or carelessness of the servant or other person in charge of the shop or place of sale. Any person so convicted shall also be liable to the forfeiture of his license at the discretion of the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor."

PART V.

GENERAL.

Prohibition of unlicensed cultivation of plants producing intoxicating drugs, and of abetment of the same.

13. It shall not be lawful for any person within the territories to which this Act applies, to cultivate plants, from which intoxicating drugs are produced, without a license from the Collector of the district in which such plants are cultivated; and any person who shall so cultivate, or in any way cause, encourage, or promote such illegal cultivation, shall be liable to a fine not exceeding five hundred rupees; and the plant so cultivated shall be liable to seizure and confiscation.

Imprisonment in default of payment of fine.

14. When any person is sentenced to pay any fine or forfeiture under the said Act XI of 1849, or the said Act XXI of 1856, or under this Act, the Magistrate shall follow the provisions of sections sixty-seven, sixty-eight, sixty-nine, and seventy of the Indian Penal Code, in awarding a period of imprisonment in default of payment thereof. Any such fine or forfeiture shall be recoverable in the manner prescribed by section three hundred and seven of the Code of Criminal Procedure.

15. Notwithstanding anything in this or in any other Act contained, it shall be lawful for the Lieutenant-Governor, with the sanction of the Governor-General in Council, to assign to the Justices of the Peace for the Town of Calcutta, or to any other Municipality, such functions and powers as he shall think fit in respect to the granting, withholding, and withdrawal of licenses for the sale of spirituous or fermented liquors and intoxicating drugs (being functions and powers which, but for such assignment, might legally be exercised by any officer of Government), to be exercised by such Justices or by such Municipality within the limits of their respective jurisdictions under such conditions and subject to such rules as the said Lieutenant-Governor may impose; and the Lieutenant-Governor may at any time withdraw and revoke any functions and powers which he has assigned under the provisions of this section.

Lieutenant-Governor may assign to any Municipality the granting of licenses.

Provided that such functions and powers shall not be assigned as aforesaid without the consent of the said Justices or the Municipality concerned:

Provided also that no such conditions or rules shall be imposed by the Lieutenant-Governor after such assignment has taken place without the consent of the said Justices or the Municipality concerned.

SCHEDULE.

(*See Section* 2.)

ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
Act III of 1856	To amend Act XI of 1849, &c.	The whole.
Act XXIII of 1860 ...	To amend Act XXI of 1856	So much as has not been repealed.

Reg. No. 8585—2,000—14-2-76.

ACT No. III OF 1876.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 22nd December 1875, and of the Governor-General on the 24th March 1876).

An Act to provide for Irrigation in the Provinces subject to the Lieutenant-Governor of Bengal.

WHEREAS it is necessary to make provision for the construction, maintenance, and regulation of canals, for the supply of water therefrom, and for the levy of rates for water so supplied, in the provinces subject to the Lieutenant-Governor of Bengal: It is hereby enacted:—

PART I.

PRELIMINARY.

Short Title.

1. This Act may be called "The Bengal Irrigation Act, 1876."

Local extent and commencement.

It shall take effect in those districts in the provinces subject to the Lieutenant-Governor of Bengal, to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette;* and shall commence on the day which shall be in such order provided for the commencement thereof.

Repeal of Acts.

2. The enactments specified in Schedule (A) hereto annexed are repealed to the extent mentioned in the third column of the said schedule.

Interpretation clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Canal."

(i) "Canal" includes—

(*a*) all canals, channels, and reservoirs hitherto constructed, maintained, or controlled by Government for the supply or

Price 4 annas and 6 pies.

storage of water, or which may hereafter be so constructed, maintained, or controlled;

(*b*) all works, embankments, structures, supply and escape-channels connected with such canals, channels, or reservoirs;

(*c*) all village-channels as defined in clause (ii) of this section;

(*d*) all drainage-works as defined in clause (iii) of this section;

(*e*) any part of a river, stream, lake, natural collection of water, or natural drainage-channel, to which the Lieutenant-Governor has applied the provisions of Part II of this Act, or of which the water has been applied or used for the passing of this Act for the purpose of any existing canal;

(*f*) all lands on the banks of any canal as defined in articles (*a*), (*b*), (*c*), (*d*), and (*e*) of this clause, which have been acquired by Government;

"Village-channel"

(ii) "Village-channel" means any channel by which water is led from a canal directly into the fields to be irrigated, and includes all subsidiary works connected with any such channel, except the sluice or outlet through which water is supplied from a canal to such channel

"Drainage work"

(iii) "Drainage-work" means any work in connection with a system of irrigation which has been or may hereafter be made or improved by the Government for the purposes of the drainage of the country, whether under the provisions of Part IV of this Act or otherwise, and includes escape-channels from a canal, dams, weirs, embankments, sluices, groins, and other works connected therewith, but does not include works for the removal of sewage from towns.

"Flood-embankment"

(iv) "Flood-embankment" means any embankment constructed or maintained by the officers of Government in connection with any system of irrigation works for the protection of lands from inundation, or which may be declared by the Lieutenant-Governor to be maintained in connection with any such system; and includes all groins, spurs, dams, and other protective works connected with such embankments

(v) "Collector" means the head Revenue Officer of a district, and includes any officer appointed by the Lieutenant-Governor to exercise all or any of the powers of a Collector under this Act.

"Collector."

(vi) "Court" means, in the Regulation Provinces, a principal Civil Court of original jurisdiction,

"Court."

and in the Non-Regulation Provinces, the Court of a Commissioner of a Division,

unless when the Lieutenant-Governor has appointed (as he is hereby empowered to do), either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a judge under this Act, and then the expression Court means the Court of such officer.

(vii) "Canal Officer" means an officer appointed under this Act to exercise control or jurisdiction over a canal or any part thereof; and includes every officer to whom any of the functions of a Canal Officer under this Act have been assigned by the Lieutenant-Governor.

"Canal Officer."

(viii) "Section" means a section of this Act.

"Section"

(ix) "Owner" includes every person having a joint interest in the ownership of the thing specified; and all rights and obligations which attach to an owner under the provisions of this Act shall attach jointly and severally to every person having such joint interest in the ownership.

"Owner."

4. Nothing contained in the Bengal Embankment Act, 1873, shall apply to any canal or flood-embankment as defined in this Act.

Bengal Embankment Act not applicable to canals.

5. The Lieutenant-Governor may from time to time declare, by notification in the *Calcutta Gazette*, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Power to appoint officers.

PART II.

OF THE APPLICATION OF WATER FOR PUBLIC PURPOSES.

Notification to issue when water-supply is to be applied for public purposes.

6 Whenever it appears expedient to the Lieutenant-Governor that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, should be applied or used by the Government for the purpose of any existing or projected canal;

the Lieutenant-Governor may, by notification in the *Calcutta Gazette*, declare that the said water will be so applied or used after a day to be named in the said notification, not being earlier than three months from the date thereof.

Powers of Canal Officer.

7. At any time after the day so named, any Canal Officer, acting under the orders of the Lieutenant-Governor in this behalf, may enter on any land and remove any obstructions, and may close any channels, and do any other thing necessary for such application or use of the said water.

Notice as to claims for compensation

8. As soon as is practicable after the issue of such notification, the Collector shall cause public notice to be given at convenient places stating that the Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section eleven may be made before him.

A copy of sections eleven, twelve, and thirteen shall be annexed to every such notice.

Contents of notice

9. When any claim for compensation is made before the Collector in accordance with the last preceding section, the Collector shall issue a notice requiring all persons interested in the matter in respect of which compensation is claimed, to appear personally or by agent before him at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the property affected, and the amount and particulars of their claims to compensation for such interests.

The Collector shall also serve notice to the same effect on the occupier (if any) of the land entered on, and on such persons known or believed to be interested in the matter in respect of which compensation is claimed, or to be entitled to act for persons so interested, as reside within his district.

Notice to occupiers.

10. The Collector may also require any person on whom a notice may be served under the last preceding section, and who makes a claim for compensation in accordance therewith, to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the property affected or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Power to require statements as to name and interests.

If any person shall fail to comply within the time fixed by the notice with a requisition made under this section, the Collector may impose upon him such daily fine as he may think fit not exceeding fifty rupees; and such fine shall be payable daily until the requisition is complied with, and the Collector may proceed from time to time to levy the amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending;

Penalty for failure to comply.

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner, and no further levy in respect of such fine shall be made otherwise than by authority of the Commissioner.

Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections one hundred and seventy-five and one hundred and seventy-six of the Indian Penal Code.

Persons required to make statements to be deemed legally bound to do so.

Damage for which compensation shall not be awarded.

11. No compensation shall be awarded for any damage caused by—

(*a*) stoppage or diminution of percolation or floods;

(*b*) deterioration of climate or soil;

(*c*) stoppage of navigation, or of the means of rafting timber or watering cattle. But compensation may be awarded in respect of any of the following matters:—

Matters in respect of which compensation may be awarded.

(*d*) stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or underground, in use at the date of the issue of the notification under section six:

(*e*) stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification:

(*f*) stoppage or diminution of supply of water through any natural channel which has been used for purposes of irrigation within the five years next before the date of the said notification:

(*g*) damage done in respect of any right to a water-course or the use of any water to which any person is entitled under the Indian Limitation Act, 1871, Part IV:

(*h*) any other substantial damage, not falling under any of the above clauses (*a*), (*b*), or (*c*), and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation.

Compensation for loss of tolls lawfully levied

Notwithstanding anything contained in clause (*c*), compensation may be awarded in respect of the loss of any tolls which were lawfully levied on any river or channel at the time of the issue of the notification mentioned in section six.

Diminution in market-value to be considered.

In determining the amount of compensation under this section, regard shall be had to the diminution in the market-value, at the time of awarding compensation, of the property in respect of which compensation

is claimed; and where such market-value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act.

No right to any such supply of water as is referred to in clauses (*d*), (*e*), or (*f*) of this section, in respect of a work or channel not in use at the date of the notification, shall be acquired as against the Government, except by grant or under the Indian Limitation Act, 1871, Part IV.

Compensation for loss of drinking-water.

12. If any supply of drinking-water is substantially deteriorated or diminished by any works undertaken in accordance with a declaration made by the Lieutenant-Governor under section six, the Canal Officer shall be bound to provide within convenient distance an adequate supply of good drinking-water in lieu of that so deteriorated or diminished, and no person shall be entitled to claim any further compensation in respect of the said deterioration or diminution.

Limitation of claims.

13. No claim for compensation for any such stoppage, diminution, or damage shall be entertained after the expiration of six months from such stoppage, diminution, or damage, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

Enquiry into claim and tender of compensation.

14. On the day fixed in the notice mentioned in section nine, the Collector shall proceed to enquire summarily into the claim and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such amount to the persons interested who have attended in pursuance of the notice given under section nine.

Power to summon witnesses.

For the purpose of such enquiry, the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and, as far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

Postponement of enquiry

15. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, from time to time postpone the enquiry to a day to be fixed by him

Award in case of compensation being agreed on

16 If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same.

Award to be filed and to be evidence

Such award shall be filed in the Collector's office, and shall be conclusive, as between the Collector and the persons interested, of the value of the said property and the amount of compensation allowed for the same

Collector to refer the matter to Court when compensation not accepted as sufficient

17 If the Collector and the persons interested do not agree as to the amount of compensation to be allowed, or if upon the said enquiry any question respecting the title to the property of which the value has been diminished, or any right thereto, or interest therein, arises between or among two or more persons making conflicting claims in respect thereof, the Collector shall refer the matter to the determination of the Court in manner hereinafter provided.

Collector to record certain particulars in certain cases

18 If, when the Collector proceeds to make the enquiry as mentioned in sections fourteen and fifteen, no claimant attends, or if any person whom the Collector has reason to think interested does not attend, the Collector shall hold a proceeding and record the following particulars:—

(*a*) the nature and extent of the property of which the value has been diminished and in respect of which compensation is claimed, and the character and extent of the damage done;

(*b*) the names of the persons whom he has reason to think interested in such property;

(*c*) the amount fixed by him as compensation; and

(*d*) the grounds on which such amount was determined,

and shall place the amount so fixed by him in deposit, there to be held on account of the persons interested, and shall issue a notice to the persons believed to be interested informing them that the said amount has been deposited as required by this section, and that should no application be made to the Court (as provided in the next succeeding section) within six weeks of the issue of the notice on the last of the persons named therein, the Collector will pay the amount to any persons legally authorized to receive and to give an acquittance for the same.

And to place the amount of compensation in deposit

19. Any person on whom notice may be served under the last preceding section, and any person interested in any property in respect of which such notice has been issued, may, within six weeks of the service of such notice, apply to the Court stating his objection to the amount of compensation as fixed by the Collector under the last preceding section, and the amount which he claims as compensation. On receipt of such application the Court shall proceed to determine the amount of compensation to be paid on account of the claim and all other matters, as if a reference had been made to it under section seventeen.

Objections may be made to the amount of compensation fixed by the Collector.

20. In making reference under section seventeen the Collector shall state, for the information of the Court, the particulars mentioned in section eighteen.

Procedure in making reference under section seventeen.

21. On receipt of a reference under section seventeen the Court shall proceed, as far as may be practicable, in accordance with sections nineteen to twenty-three (inclusive), and sections twenty-six to thirty-six (inclusive), of the Land Acquisition Act, 1870.

Procedure on receipt of a reference under section seventeen.

Provided that instead of the last clause of the said section twenty-six the following shall be read: "The provisions of this section and of section eleven of the Bengal Irrigation Act, 1876, shall be read to every assessor in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded"

22. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, whether such award be made by the Collector or by the Court, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Particulars of apportionment to be specified

23. When the amount of compensation has been settled under section sixteen, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall refer such dispute to the decision of the Court.

Disputes as to apportionment

All costs entailed by such a reference, and the proceedings of the Court thereon, shall be paid by the parties who dispute the apportionment of the compensation, in such proportions as the Court may direct, and the Collector shall not be required to disburse any such costs, nor shall any such costs be recovered from the Collector.

24. When the amount of compensation has been settled by the Court, and there is any dispute as to the apportionment thereof, or when a reference to the Court has been made under the last preceding section, the Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount.

Determination of proportions

An appeal shall lie from every such decision to the High Court, unless the Judge whose decision is appealed from is not the District Judge, in which case the appeal shall lie, in the first instance, to the District Judge.

Appeal

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

25. Payment of the compensation shall be made by the Collector in accordance with the award made by him under section sixteen; or the proceeding held by him under section eighteen, if no application be made to the Court as provided by section nineteen; or the

Payment of compensation

award made by the Court or the decision of the Judge under section twenty-one; or, in the case of an appeal under section twenty-four, in accordance with the decision in appeal, as the case may be.

Government not liable to any further claim.

26. The amount of compensation fixed by any award, proceeding, or decision, as specified in the last preceding section, shall be deemed to be the full amount payable by the Government in respect of the claim dealt with therein; and the Government shall not be liable for any further claim to any person whatever in respect of any matter which was the subject of such award, proceeding, or decision; nor shall any such claim be made against the Government in respect of the payment of any portion of such compensation in accordance with any award, proceeding, or decision as aforesaid, or in accordance with any decision of the Judge, or of the District Judge, or of the High Court in appeal, as the case may be, under section twenty-four; and no suit shall be brought to set aside an award or decision under this Act.

Liability of person receiving compensation not affected

27. Nothing contained in the last preceding section shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act to pay the same to the person lawfully entitled thereto.

Abatement of rent on interruption of water-supply.

28. Every tenant holding under an unexpired lease, or having a right of occupancy, who is in occupation of any land at the time when any stoppage or diminution of the supply, in respect of which compensation is allowed under section eleven, takes place, may claim an abatement of the rent previously payable by him for the said land, on the ground that the interruption reduces the value of the holding; provided that no part of the said compensation shall have been received by the said tenant in respect of such reduction in the value of his holding.

Enhancement of rent on restoration of water supply.

29. If a water supply increasing the value of such holding is afterwards restored to the said land otherwise than at the cost of the tenant, the rent of the tenant may be enhanced, in respect of the increased

value of such land due to the restored water-supply, to an amount not exceeding that at which it stood immediately before the abatement.

Such enhancement shall be on account only of the restored water-supply, and shall not affect the liability of the tenant to enhancement of rent on any other grounds.

Compensation when due.

30. All sums of money payable for compensation under this Part shall become due three months after the claim for such compensation is made in respect of the stoppage, diminution, or damage complained of,

Interest

and simple interest at the rate of six per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except where the non-payment of such sum is caused by the wilful neglect or refusal of the claimant to receive the same.

Collector may invest amount deposited or awarded in Government securities

Provided that the Collector may at any time invest the whole or any portion of the amount payable as compensation under this Act in any Government securities, and such securities shall be held by the Collector for the benefit of the persons interested, and the persons interested shall be bound to receive such securities with any interest which may have accrued upon them as full payment of the sum which the Collector paid for such securities, and of any sum which he may have paid as expenses incurred in purchasing the same, and of any interest which might otherwise have accrued on such sums.

Compensation not claimable in respect of works executed before Act came into force

31. No compensation shall be claimable under this Act in respect of any works executed before it came into force, or of any damage, injury, or loss caused by such works.

Service of notice

32. Service of any notice under this Part shall be made by delivering or tendering a copy thereof signed by the officer therein mentioned.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and

if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the district, service of any notice may be made by sending copy of such notice by post in a registered cover addressed to such person at his usual place of residence.

PART III.

Of the Maintenance of Canals.

Entry for inquiry.

33. Whenever it shall be necessary to make any enquiry or examination in connection with a projected canal or with the maintenance of an existing canal, or with a projected flood-embankment, or with the maintenance of an existing flood-embankment, any Canal Officer or other person acting under the general or special orders of a Canal Officer, may enter upon such lands as he may think necessary for the purpose, and may exercise all powers and do all things in respect of such lands as he might exercise and do if the Government had issued a notification under the provisions of section four of the Land Acquisition Act, 1870, to the effect that land in that locality is likely to be needed for a public purpose; and may set up and maintain water-gauges, and do all other things necessary for the prosecution of such enquiry and examination.

Power to inspect and regulate water-supply.

34. Such Canal Officer or other person may also enter upon any land, building, or village-channel on account of which any water-rate is chargeable, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation and management of the canal from which such water is supplied.

Power to enter for repairs, and to prevent accidents.

35. In case of any accident being apprehended or happening to a canal or flood-embankment, any Canal Officer, or any person acting under his general or special orders in this behalf, may enter upon any lands

adjacent to such canal or flood-embankment, and may execute all works which may be necessary for the purpose of preventing such accident, or repairing any damage done.

Notice to occupier of building, &c.

36. When such Canal Officer or person proposes, under the provisions of either of the three last preceding sections, to enter into any building or enclosed court or garden attached to a dwelling-house not supplied with water flowing from any canal, and not being adjacent to a flood-embankment, he shall previously give to the occupier of such building, court, or garden such reasonable notice as the urgency of the case may allow.

Compensation for damage to land.

37. In every case of entry upon any land or building under section seven, section thirty-three, section thirty-four, or section thirty-five, the Canal Officer or person making the entry shall ascertain and record the nature of any crop, tree, building, or other property, to which damage has been done, and the extent of the damage done to any such property, and shall tender compensation to the proprietors or occupiers for all damage done to the same by the entry or by any works executed. If such tender is not accepted, the Canal Officer shall refer the matter to the Collector, who shall thereupon give notice in writing to the person interested in such land and to the Canal Officer, requiring them to attend before him, on a date to be fixed in the notice, for the purpose of making enquiry as to the amount of compensation.

Appeal from Collector's decision to Commissioner's.

38. After such enquiry as he may think necessary, the Collector shall decide the amount of compensation payable; and such decision shall be subject to an appeal to the Commissioner of the Division; provided that such appeal be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the decision appealed against.

If no such appeal be preferred, the decision of the Collector, or if such appeal be preferred, the decision of the Commissioner, shall be final and conclusive.

39. Suitable means of crossing canals constructed or maintained at the cost of Government shall be provided at such places as the Lieutenant-Governor thinks necessary for the reasonable convenience of the inhabitants of the adjacent lands; and suitable bridges, culverts, or other works shall be constructed to prevent the drainage of the adjacent lands being obstructed by any canal.

Government to provide means of crossing canals and of drainage.

On the completion of any canal, or of any convenient section of any canal, the Collector, after causing such inspection to be made as may be necessary, shall certify to the Government that suitable and sufficient means of crossing the canal, and suitable and sufficient means of drainage, as aforesaid, have been provided; or shall report in what respects the provision made for the above purposes is defective; and if at any time after he shall have given such certificate it shall be brought to his notice that the provision made as above has proved insufficient, the Collector shall cause inquiry to be made into the circumstances of the case, and if the statement is established, shall report his opinion thereon for the consideration of the Lieutenant-Governor, and the Lieutenant-Governor shall cause such measures in reference thereto to be taken as he thinks proper.

Collector to certify to the Government that means of crossing canals and drainage have been provided.

PART IV.

Of Drainage.

40. Whenever it appears to the Lieutenant-Governor that injury to the public health or public convenience, or to any canal, or to any land for which irrigation from a canal is available, has arisen or may arise from the obstruction of any river, stream, or natural drainage-course, the Lieutenant-Governor may, by notification published in the *Calcutta Gazette*, prohibit, within limits to be defined in such notification, the

Lieutenant-Governor may prohibit formation of obstructions within certain limits.

formation of any such obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream, or natural drainage-channel as is comprised within such limits shall be held to be a drainage-work as defined in section three.

Canal Officer may issue notice to person causing obstructions.

41. The Canal Officer or other person authorized by the Lieutenant-Governor in that behalf may, after such publication, issue an order to the person causing or having control over any such obstruction, to remove or modify the same within a time to be fixed in the order.

Canal Officer may cause obstructions to be removed.

42. If, within the time so fixed, such person does not comply with the order, the Canal Officer may cause the obstruction to be removed or modified; and if the person to whom the order was issued does not, when called upon, pay the expenses of such removal or modification, such expenses shall be recoverable as a demand under the provisions of section one, Bengal Act VII of 1868 (*an Act to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of revenue*).

When drainage works are necessary, Lieutenant-Governor may order a scheme to be drawn up and carried out.

43. Whenever it appears to the Lieutenant-Governor that any drainage works are necessary for the public health, or for the improvement or proper cultivation or irrigation of any lands in districts to which the provisions of the Bengal Embankment Act, 1873, do not apply, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the Lieutenant-Governor may cause a scheme for such works to be drawn up and carried into execution, and the persons authorized by the Lieutenant-Governor to draw up and execute such scheme may exercise in connection therewith all or any of the powers conferred on Canal Officers by sections thirty-three, thirty-four, and thirty-five, and shall be liable to any or all of the obligations imposed upon Canal Officers by sections thirty-six and thirty-seven.

Disposal of claims to compensation.

44. Whenever, in pursuance of a notification made under section forty, any obstruction is removed or modified;

or whenever any drainage-work is carried out under the last preceding section,

all claims for compensation on account of any loss consequent on the removal or modification of the said obstruction or the construction of such work, may be made before the Collector, and he shall deal with the same in the manner provided in Part II; but no compensation shall be allowed for any damage arising from increase of percolation.

Limitation of such claims.

45. No such claim shall be entertained after the expiration of six months from the occurrence of the loss complained of, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

PART V.

Of Village-Channels.

Definition of person.

46 "Person" in this Part includes any number of persons acting jointly.

Register of village-channels to be kept.

47. The Canal Officer shall keep a register of all village-channels, whether already existing or constructed under this Act, and shall note thereon in respect of every village-channel whether it is a public channel maintained at the cost of the Government, or a private channel maintained at the cost of the owners; and shall register the names of the owners of every such private channel.

Extension or branch of village-channel to be registered.

A village-channel made as an extension of, or a branch to, an existing village-channel shall be registered as a separate village-channel; and so much of the length of any village-channel as lies within the limits of any one village or mouzah shall be entered on the register as a

separate village-channel. Every section of a village-channel so separately entered on the register shall be deemed to be a separate village-channel in respect of all rights and liabilities imposed by this Act.

Canal Officer may register as one village-channel a section including portions lying within two or more villages.

Provided always that whenever it shall seem fit to the Canal Officer for any special reason to enter upon his register as one village-channel a section of a village-channel which includes portions lying within two or more villages or mouzahs, the Canal Officer may, with the consent of the Collector obtained in writing, register such section as one village-channel, and such section shall be deemed to be one village-channel in respect of all rights and liabilities imposed by this Act.

Any person may acquire an existing village-channel by agreement.

48. Any person may, with the consent of the Canal Officer, acquire the property in an existing village-channel for the purpose of improving or maintaining it—

(*a*) by taking over any village-channel belonging to Government;

(*b*) by transfer of a village-channel from the owner thereof by private agreement.

Any person may construct a new village-channel with consent of owners or occupiers.

49. Any person may, with the permission of a Canal Officer, construct a new village-channel if he has obtained the consent of the owners and occupiers of the land required therefor.

Any person may construct village-channel by applying to Canal Officer.

50. Any person desiring the construction of a new village-channel, but being unable or unwilling to construct it under a private arrangement with the owners and occupiers of the land affected, as mentioned in the last preceding section, may apply in writing to the Canal Officer stating

that he desires the said Canal Officer, in his behalf and at his cost, to do all things necessary for constructing such village-channel;

that he is ready to defray all costs necessary for acquiring the land and constructing such village-channel.

51. If the Canal Officer considers the construction of such village-channel expedient, he may call upon the applicant to deposit any part of the expense such Officer may consider necessary,

Procedure when Canal Officer considers construction of village-channel expedient.

and upon such deposit being made, shall cause inquiry to be made into the most suitable alignment for the said village-channel,

and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof,

and shall forthwith publish a notification in every village through which the village-channel is proposed to be taken, that so much of such land as is situated within such village has been so marked out,

and shall send a copy of such notification to the Collector of every district in which any part of such land is known to be situate for publication on such land.

Such notification shall also call upon any person who wishes to be admitted a joint owner of such village-channel to make his application in that respect within thirty days of the publication of such notification. If any such applicant appears, and his application is admitted, he shall be liable to pay his share in the construction of such village-channel and in the cost of acquiring such land, and shall be an owner of such village-channel when constructed.

Person wishing to be joint owner must make his application within thirty days.

52. On receipt of copy of such notification, the Collector shall proceed to acquire such land under the provisions of the Land Acquisition Act, 1870, as if a declaration had been issued by the Government for the acquisition thereof under section six of that Act, and as if the Government had thereupon directed the Collector to take order for the acquisition of such land under section seven of the said Act, and (if necessary) as if the Government had issued orders for summary possession being taken under section seventeen of the said Act.

Collector to acquire land.

53. On being put in possession of the land the Canal Officer shall construct the required village-channel; and on its completion shall give to the applicant notice thereof, and of any sum payable by him on

Procedure after construction of village-channel.

account of the cost of acquiring the land and constructing the village-channel. On such notice being given, such sum shall be due from the applicant to the Canal Officer. On receipt of payment in full of all expenses incurred, the Canal Officer shall make over possession of such village-channel to such applicant.

Canal Officer may direct transfer of a village-channel

54. Whenever a Canal Officer considers that the transfer of a village-channel from the owner is necessary for the proper management of the irrigation from such village-channel, he may cause a notice to be served on the registered owner to appear on a certain day, not less than fifteen days after service of notice, and to prefer any objection to such transfer. After hearing such objection, the Canal Officer may order that such village-channel shall be transferred to such person as he may think fit, and that such person be registered as owner of the said village-channel;

Provided that no person shall be registered as the owner of a village-channel under this section, unless he has expressed in writing his willingness to be so registered, and until he has paid to the Canal Officer such sum as may be fixed by the Canal Officer under section fifty-six.

A person may be admitted joint owner of an existing village-channel.

55. Any person wishing to become the joint owner of an existing village-channel may petition the Canal Officer to that effect, and on receipt of such petition the Canal Officer may, if he think fit, issue a notice as provided in the last preceding section upon the registered owner, and after hearing any objection which the registered owner may prefer against the admission of such applicant to be a joint owner, may direct that the applicant shall be registered as such joint owner.

Canal Officer shall determine compensation to be paid for transfer or acquisition of joint ownership.

56. When deciding the question of transfer or of admission to joint ownership under either of the two last preceding sections, the Canal Officer shall also determine what amount shall be paid—

as the costs of the proceedings;

as compensation to the previous owners;

and the amount so determined shall be due by the transferee or the person admitted to registry as a joint owner, as the case may

be; and on payment of such amount, the village-channel shall be transferred, or the applicant shall be registered as owner or as a joint owner thereof, as the case may be.

Canal Officer may fix rent for a village-channel transferred.

57. Instead of awarding payment of compensation under the last preceding section, the Canal Officer may fix an amount of rent to be paid annually to the previous owners by the persons to whom the village-channel is transferred.

Ownership of village-channel.

58. Every person

(*a*) acquiring a village-channel as provided in section forty-eight; or

(*b*) constructing a village-channel as provided in section forty-nine; or

(*c*) receiving possession of a village-channel as provided in section fifty-three; or

(*d*) acquiring a village-channel by transfer, as provided in section fifty-four; or

(*e*) being admitted to registration as joint owner in a village-channel, as provided in section fifty-five,

shall be deemed to be an owner of such village-channel.

59. Every owner of a village-channel shall be bound—

Obligations and rights of owner of village-channel.

(*a*) to construct and maintain all works necessary for the passage across such village-channel of canals, village-channels, drainage-channels, and public roads existing at the time of its construction, and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the occupants of neighbouring lands;

(*b*) to maintain such village-channel in a fit state of repair for the conveyance of water;

(*c*) to allow the use of it to others on such terms as may be declared equitable by the Canal Officer as hereinafter prescribed;

and shall be entitled—

(*d*) to have a supply of water by such village-channel at such rates and on such terms as are prescribed by the rules made by the Lieutenant-Governor under section ninety-nine;

(*e*) to receive such rent for the use of the village-channel by other persons as the Canal Officer may award him.

If owner of village-channel fails to execute work or make repairs, Canal Officer may execute them on his behalf.

60. If the owner of a village-channel fails to fulfil the obligations mentioned in clauses (*a*) and (*b*) of the last preceding section, the Canal Officer may require him by notice to execute the necessary works or repairs within a period not being less than fifteen days, and in the event of failure, may execute them on his behalf; and all expenses incurred by the execution of such works or repairs shall be a sum due by such owner to Government; and if any such owner who has already failed on one occasion to execute such works or repairs when required to do so, and has left them to be executed on his behalf by the Canal Officer, shall again fail to execute any such works or repairs when required to do so; or if any such owner shall refuse in any respect to fulfil the obligation mentioned in clause (*c*) of the last preceding section, after having been required to fulfil the same by a notice in writing from the Canal Officer, the Canal Officer may strike such village-channel off the register, and so disqualify it to be any longer a medium for the conveyance of canal water.

Resignation of ownership.

61. Any owner may resign his interest in a village-channel, provided such resignation be duly registered in the office of the Canal Officer.

Owner may transfer interest.

62. Any owner of a village-channel may, with the consent of the Canal Officer, transfer his interest to any other person, provided that the liabilities of the person so transferring shall not cease till such transfer is registered in the office of the Canal Officer.

Procedure on death of owner of village-channel

63. If any owner of a village-channel dies, his legal representative may apply for registration in his stead. If no such application for registry be made within six weeks from the death of the said owner, the

remaining registered owners of the village-channel, if any, shall be deemed to be owners of the entire interest in the village-channel, until some other person shall have established his claim to be registered as owner in place of the deceased. If the deceased shall have been the sole registered owner, the Canal Officer shall be deemed to be his representative for the purposes of this Part, and shall exercise all rights and be bound by all liabilities which attached to the deceased in respect of his ownership of the said village-channel, until some person shall have established his right to be registered as owner thereof in place of the deceased; and the Canal Officer shall account to such person for all sums received and expended in the exercise of the rights and discharge of the liabilities which attached to the deceased in respect of such ownership.

Procedure when any person applies for registration in lieu of deceased owner.

64. When any person applies for registration under the three last preceding sections, the Canal Officer shall serve notice on the other registered owners to prefer any objection to the resignation, transfer, or succession within fifteen days, and if no such objection shall be made, or if the objections made be deemed invalid, shall order such resignation, transfer, or succession to be registered.

Interest of owners equal, unless unequal interests registered.

65. All joint owners of a village-channel shall be held to have an equal interest in it, unless, with the permission of the Canal Officer, they register specific unequal interests.

Person other than owner may have supply of water through village-channel under certain conditions.

66. Any person not an owner of a village-channel, desiring to have a supply of water through such village-channel, may make a private arrangement with the owners for the conveyance of water, or may apply to the Canal Officer for authority to use such village-channel.

Canal Officer may authorize supply.

67. On receipt of such application, the Canal Officer shall serve notice on the owners to show cause why such permission should not be granted, and if no objection be raised, or if any objections be raised, and

found invalid, shall authorize the conveyance of such supply on such conditions as may appear to him equitable.

Canal Officer to fix a sum as rent of village-channel.

68. The Canal Officer shall also fix a sum as rent to be paid for the use of such village-channel to the owner. Such rent may be in the form of a percentage on the water-rate of the person using the village-channel, or otherwise, as may be fixed by the Canal Officer.

Owner of a village-channel receiving supply through another village-channel.

69. The owner of a village-channel which receives its water through another village-channel may, at the discretion of the Canal Officer, either be declared a joint owner of such other village-channel, or may be required to pay rent for the use of the same to the owner thereof, as provided in the last preceding section.

Instalments in which rent is payable.

70. All rent payable under either of the two last preceding sections shall be deemed to be due in the same instalments and at the same periods as the water-rate is due, or in such other instalments and at such other dates as the Canal Officer may direct, and may be collected by the Canal Officer on behalf of the person entitled to it, if the Canal Officer thinks fit.

Canal Officer not to pay more than amount actually collected as rent.

71. Any Canal Officer collecting rent under the last preceding section on behalf of any person entitled thereto, shall be bound to pay to the person entitled to the same no more than the amount actually collected by him as rent.

Land acquired for a village-channel may not be used for other purpose.

72. No land acquired under this Part for a village-channel shall be used for any other purpose without the consent of the Canal Officer previously obtained.

Dues how to be recovered.

73. Every sum declared to be due under this Part shall be recoverable by the Canal Officer on behalf of the Government or of the person entitled to receive the same, and shall be held to be a demand under the provisions of section one of the aforesaid Bengal Act VII of 1868, or any other similar Act for the time being in force.

PART VI.

Of the Supply of Water.

Water to be supplied on written application only.

74. Every person desiring that water shall be supplied to his land from a canal, shall present a written application to that effect to the Canal Officer, in the form given in Schedule (B) hereto annexed, or in a similar form, binding himself by the rules made by the Lieutenant-Governor under the powers vested in him by this Act; and no person shall be liable to pay any rate or due whatever, on account of water supplied to his land with the permission of the Canal Officer, otherwise than on such application, nor shall water be supplied otherwise than on such application.

Written permission to be given.

75. If the application mentioned in the last preceding section be granted by the Canal Officer, the Canal Officer shall cause his permission to be recorded in the form given in Schedule (C) hereto annexed, or in some similar form, binding himself by the rules made by the Lieutenant-Governor as aforesaid.

Rules to be subject to certain conditions.

76. All rules made by the Lieutenant-Governor under section ninety-nine shall be consistent with the following conditions:—

Power to stop water-supply;

(*a*) The Canal Officer may not stop the supply of water to any village-channel, or to any person who is entitled to such supply, except in the following cases:—

(i) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority;

(ii) whenever and so long as any village-channel is not maintained in such repair as to prevent the wasteful escape of water therefrom;

(iii) whenever and so long as it is necessary to do so in rotation to supply the legitimate demands of other persons entitled to water;

(iv) whenever and so long as it may be necessary to stop the supply in order to prevent the wastage or misuse of water.

(*b*) No claim shall be made against the Government for compensation in respect of loss caused by the failure or stoppage of the water in a canal, by reason of any cause beyond the control of the Government, or of any repairs, alterations, or additions to the canal, or of any measures taken for regulating the proper flow of water therein, or for maintaining the established course of irrigation which the Canal Officer considers necessary; but the person suffering such loss shall be entitled to such remission of the ordinary charges payable for the use of the water as is authorized by the Lieutenant-Governor:

claims to compensation in case of failure or stoppage of supply;

(*c*) If the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in the last preceding clause, the occupier or owner of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Collector shall award to the petitioner reasonable compensation for such loss:

claims on account of interruption from other causes,

(*d*) When the water of a canal is supplied for the irrigation of a single crop, the permission to use such water shall be held to continue only until that crop comes to maturity, and to apply only to that crop; but if it be supplied for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to continue for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year:

duration of supply;

(*e*) No person entitled to use the water of any canal, or any work, building, or land appertaining to any canal, shall sell or sub-let or otherwise transfer his right to such use without the permission of the Canal Officer, but all contracts made between Government and the owner or occupier of any immoveable property, as to the supply of canal-water to such property, shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such property takes place.

sale or sub-letting of right to use canal-water;

contracts for water transferable with land.

77. On application being made for a supply of water to be used for purposes other than those of irrigation, the Canal Officer may give permission for water to be taken for such purposes under such special conditions and restrictions as to the limitation and control of the supply as he shall think proper to impose in each case.

Canal Officer may supply water for purposes other than those of irrigation.

PART VII.

Of Water-rates.

78. The rates to be charged for canal-water supplied for purposes of irrigation shall be determined by the Lieutenant-Governor, and all persons accepting the water shall pay for it accordingly.

Charge for water how determined.

79. If water supplied through a village-channel be used in an unauthorized manner, and if the person by whose act or neglect such use has occurred cannot be identified,

Liability when person using water unauthorizedly cannot be identified.

the persons on whose land such water has flowed, if such land has derived benefit therefrom,

or if no land has derived benefit therefrom, all the persons chargeable in respect of the water supplied through such village-channel in respect of the crop then on the ground,

shall be liable to the charges made for such use, as determined by the Lieutenant-Governor under section ninety-nine.

80. If water supplied through a village-channel be suffered to run to waste, and if, after enquiry by the Canal Officer, the person through whose act or neglect such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the water supplied through such village-channel for the crop then on the ground shall be jointly liable for the charges made in respect of the water so wasted, as determined by the Lieutenant-Governor under section ninety-nine.

Liability when water runs to waste.

All questions arising under this and the last preceding section shall be decided by the Canal Officer, subject to the provisions of section ninety-one.

Charges recoverable in addition to penalties.

81. All charges for the unauthorized use or for waste of water shall be deemed to be water-rate due on the crop, and may be recovered as such water-rate in addition to any penalties incurred on account of such use or waste.

Power to contract for collection of canal dues.

82. The Canal Officer may enter into an agreement with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.

Any sum payable under this Part deemed to be rent.

83. Any sum lawfully due under this Part, either to the Government, or to any person who has entered into an agreement to collect dues for the Government and certified by the Canal Officer to be so due, shall be deemed to be rent payable on a pottah or engagement in respect of the land irrigated, and shall be recoverable as such by the person to whom it is payable.

Provided that the claim (if any) for rent in respect of such land shall have priority over any claim for arrears of water-rate so far as regards recovery of rent by the exercise of the power of restraint.

Person who distrains may be called on to produce account.

84. If any person distrains half or more than half of any crop on account of which water-rate is due, such person shall be bound, on requisition by the Canal Officer, to furnish him with an account showing how the produce thus distrained has been appropriated in payment of such rent, and the Canal Officer shall be entitled to challenge such account before any Court competent to try suits for arrears of rent in respect of the land in question, and such Court, if it finds that the value of the crop distrained was in excess of the amount of rent which had been due for a period not longer than a year, together with the costs of the distraint, may require the distrainer to pay the water-rate due on such crop.

85. Every arrear of water-rate which is due to Government, and every sum due to Government by any person on account of collections of water-rate, and every sum due to such person on account of water-rate and certified by the Canal Officer to be so due, shall also be held to be a demand under the provisions of section one of the aforesaid Bengal Act VII of 1868, and may be recovered as provided in that Act, together with the costs of executing the processes.

Arrears of water-rate deemed to be a demand under Bengal Act VII of 1868.

86. Nothing in sections eighty-two to eighty-five (inclusive) applies to fines.

Sections eighty-two to eighty-five do not apply to fines.

PART VIII.

Of Jurisdiction.

87. Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction, or maintenance of a village-channel, any such person interested may apply in writing to the Canal Officer stating the matter in dispute. Such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to enquire into the said matter, and, after such enquiry, he may pass his order thereon, or may transfer the matter to the Collector, who shall thereupon enquire into and pass his order on the said matter.

Settlement of disputes as to mutual rights and liabilities of persons interested in village-channel.

88. Whenever any dispute arises among joint owners of a village-channel as to their shares of expense or as to the amounts severally contributed, or as to failure on the part of any owner to contribute his share, the matter may be decided after inquiry by the Canal Officer or Collector, as provided in the last preceding section.

Dispute as to shares and payments.

89. Any order passed by the Collector, under either of the two last preceding sections, and, subject to the provisions of section ninety-one, any such order passed by a Canal Officer, shall remain in force until set aside by the decree of a Civil Court, and may be executed by any Canal Officer as if it were a decree of the Civil Court.

Order passed by Collector and Canal Officer to remain in force until set aside by Civil Court.

Jurisdiction as to suits arising out of powers of distraint.

90. All suits arising out of the exercise of the power of distraint for recovery of water-rates,

or out of any acts done under color of the exercise of the said power of distraint,

or by persons in receipt of the water-rates against any agents employed by them in the collection of such water-rates, or the sureties of such agents for money received or for accounts kept by such agents in the course of such employment, or for papers in their possession,

shall be cognizable by the same Court or authority as would have jurisdiction, if such water-rates were rent due for the land irrigated.

Appeal and supervision.

91. Every order passed by a Canal Officer under Part V, Part VI, Part VII, or Part VIII of this Act, shall be appealable to the Collector, provided that the appeal be presented within thirty days of the date on which the Canal Officer made the order appealed against; and no appeal shall lie against any proceeding or order of the Collector under this Act, except as otherwise expressly provided in this Act, but all such proceedings and orders shall be subject to the supervision and control of the Commissioner of the Division and of the Board of Revenue, who may pass such order thereon as they may respectively think fit.

Power to summon and examine witnesses

92. Any officer empowered under this Act to conduct any enquiry may exercise all such powers connected with the summoning and examining of witnesses, as are conferred on Civil Courts by the Code of Civil Procedure; and every such enquiry shall be deemed a judicial proceeding.

PART IX.

Of Offences and Penalties.

Offences under the Act

93. Whoever, voluntarily and without proper authority, does any of the acts following, that is to say—

(1) damages, alters, enlarges, or obstructs any canal or drainage work;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over, or under any canal or drainage work, or by any means raises or lowers the level of the water in any canal or drainage work;

(3) being responsible for the maintenance of a village-channel, or using a village-channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner;

(4) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

(5) destroys, defaces, or moves any level mark or water-gauge fixed by the authority of a public servant;

(6) destroys or removes any apparatus, or part of any apparatus for controlling or regulating the flow of water in any canal or drainage-work;

(7) passes, or causes animals or vehicles to pass in or across any of the works, banks, or channels of a canal contrary to rules made under this Act, after he has been desired to desist therefrom;

(8) without the permission of the Canal Officer causes, or knowingly and wilfully permits any cattle to graze upon any flood-embankments, or tethers, or causes or knowingly and wilfully permits any cattle to be tethered upon any such embankments, or roots up any grass or other vegetation growing on any such embankments, or removes, cuts, or in any way injures or causes to be removed, cut, or otherwise injured any trees, bushes, grass, or hedge intended for the protection of such embankment;

(9) violates any rule made under the Act, for breach whereof a penalty may be incurred,

shall, in case the offence shall not amount to mischief within the meaning of the Indian Penal Code, and on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month, or to both.

Penalty.

Further offences.

94. Whoever, without the authority of the Canal Officer,

(1) pierces or cuts through, or attempts to pierce or cut through, or otherwise to damage, destroy, or endanger the stability of any flood embankment;

(2) opens, shuts, or obstructs or attempts to open, shut, or obstruct, any sluice in any such embankment;

(3) makes any dam or other obstruction for the purpose of diverting or opposing the current of a river on the banks whereof are flood-embankments, or refuses or neglects to remove any such dam or obstruction when so required by the Canal Officer;

shall, in case the offence shall not amount to mischief within the meaning of the Indian Penal Code, and on conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding six months.

Penalty.

Obstruction to be removed and damage repaired.

95. Whenever any person is convicted of an offence under either of the last two preceding sections, the convicting Magistrate may order that he shall remove the obstruction or repair the damage in respect of which the conviction is held within a period to be fixed in such order. If such person neglects or refuses to obey such order within the fixed period, the Canal Officer may remove such obstruction, or repair such damage, and the cost of such removal or repair shall be levied from such person by the Collector as a demand under section one of the aforesaid Bengal Act VII of 1868.

Persons employed on canal may take offenders into custody.

96. Any person in charge of or employed upon any canal, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant and take forthwith before a Magistrate or to the nearest police station, to be dealt with

according to law, any person who within his view commits any of the following offences:—

(1) wilfully damages or obstructs any canal;

(2) without proper authority interferes with the supply or flow of water, in or from any canal or in any river or stream, so as to make dangerous or render less useful any canal

Saving of prosecution under other laws

97. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: provided that no person shall be punished twice for the same offence.

Compensation to person injured

98. Whenever any person is fined for an offence under this Act, the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to any person injured by such offence, or to any person who gave information leading to the detection of such offence, or to the conviction of the offender.

PART X.

OF SUBSIDIARY RULES.

Power to make, alter, and cancel rules

99 The Lieutenant-Governor may from time to time make rules to regulate the following matters:—

(*a*) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(*b*) the cases in which, the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;

(*c*) the person by whom, the time, place, or manner at or in which, anything for the doing of which provision is made in this Act, shall be done;

(*d*) the amount of any charge made under this Act;

(*e*) and generally to carry out the provisions of this Act.

The Lieutenant-Governor may, from time to time, alter or cancel any rules so made.

Publication of rules.

Such rules, alterations, and cancelment shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.

Provided that no rules shall be made by the Lieutenant-Governor under the powers conferred on him by this section until a draft of the same shall have been published in the *Calcutta Gazette* for one month, after which time the Lieutenant-Governor may pass such rules as originally published, or with such alterations, additions, and omissions as he may think fit.

SCHEDULE A.

(*See Section* 2.)

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal
VIII of 1867 ...	Recovery of rates for water supplied by the East India Irrigation and Canal Company.	So much as has not been repealed.
VI of 1869	Recovery of rates for water supplied for purposes of irrigation.	The whole Act

SCHEDULE B.

(*See Section* 74.)

APPLICATION FOR WATER.

No.

Mouzah
Pergunnah
Canal
Village-channel
Name of owner of village-channel
Name of Applicant

I, the undersigned, hereby apply for water from the above-named village-channel for the fields and crops below detailed, and

I engage to pay to the Canal Officer, or other person duly authorized to receive them, the water-rates as prescribed by the Lieutenant-Governor under the provisions of the Bengal Irrigation Act, and I further agree to abide by all the rules issued under that Act.

No. of field in Revenue Map.	Acreage of field.	Crop to be grown

Signature or mark of Applicant.

*Date*_____

SCHEDULE C.

(*See Section* 75.)

PERMISSION TO TAKE WATER.

No.

Permit of village to take water from

Canal

Village-channel

for the undermentioned fields and crops :—

No of field.	Acreage of field.	Crops to be grown.	Water-rate due.	Date of payment.

Signature of Canal Officer.

Date _____

Reg No. 334—2000—10-4-76.

THE CALCUTTA MUNICIPAL CONSOLIDATION ACT, 1876.

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ACT No. IV OF 1876.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 25th March* 1876, *and of the Governor-General on the 6th April* 1876.)

An Act to consolidate and amend the law relating to the Municipal Affairs of Calcutta.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the Town of Calcutta; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be cited as "The Calcutta Municipal Consolidation Act, 1876."

Commencement.

And it shall come into force on such date as the Local Government may direct, not being more than three months after the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Enactments repealed.

2. The enactments specified in the tenth schedule are hereby repealed to the extent mentioned in the third column thereof.

This repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules prescribed, assessments, valuations, measurements, divisions, and appointments made, powers conferred, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In respect to all the matters aforesaid, the Commissioners under this Act shall be substituted for the Justices of the Peace for the Town of Calcutta.

Interpretation clause

3. In this Act—unless there be something repugnant in the subject or context—

"Animal"

"Animal" means a horse, pony, mule, or bullock.

"Bazar"

"Bazar" means any place of trade, where there is a collection of shops and warehouses, and any place where a market is held.

"Carriage."

"Carriage" means any wheeled vehicle with springs used for the conveyance of human beings.

"Cart"

"Cart" means any cart, hackery, or wheeled vehicle with or without springs, not included in the definition of carriage.

"Chapter"

"Chapter" means Chapter of this Act.

"Chairman"

"Chairman" means the Chairman of the Commissioners of the Town of Calcutta.

"Commissioner of Police" means the officer so styled and appointed under section 4 of the Calcutta Police Act, 1866, or under any other Act for the time being in force for regulating the Police of the Town of Calcutta.

"Commissioner of Police."

"Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta.

"Court of Small Causes."

"Drug" includes medicine for internal or external use.

"Drug."

"House" includes any hut, building, or shed.

"House."

"Immoveable property" and "land" respectively mean land, benefits to arise out of land, anything attached to the earth, or permanently fastened to anything attached to the earth.

"Immoveable property." "Land."

"Moveable property" means property of every description, except immoveable property.

"Moveable property."

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Local Government."

"Owner" includes—

"Owner."

(*a*) the person entitled for the time being to receive the rent of the land in respect of which the word is used;

(*b*) an agent of such person;

(*c*) a trustee for such person.

But no such agent or trustee shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands, as such agent or trustee, to do such thing.

"Police Force" means the Police Force as constituted under section 8 of the Calcutta Police Act, 1866, or under any other Act for the time being in force for regulating the Police of the Town of Calcutta.

"Police Force."

"Public Street" means any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and

"Public Street."

also the roadway over any public bridge or causeway, and also the footway and drains attached to any street, public bridge (other than the Hooghly Bridge), or causeway within the Town.

"Street." "Street" means any road, street, square, court, alley, or passage, not included in the definition of public street.

"Railway." "Railway" includes a tramway.

"Schedule." "Schedule" means schedule annexed to this Act.

"Section." "Section" means section of this Act.

"Slaughter-house." "Slaughter-house" means any place used for the slaughter of cows, or bullocks, or sheep, or goats, or pigs, or kids, for the purpose of selling the same as meat.

"The Suburbs." "The Suburbs" mean the Suburbs of Calcutta as defined by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*, under the provisions of Act III of 1864 of the Lieutenant-Governor of Bengal in Council, or of any other Act for the time being in force.

"The Commissioners." "The Commissioners" means the "Corporation of the Town of Calcutta."

"The Town." "The Town" includes all places within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal, but not

(*a*) Fort William;

(*b*) The Esplanade; or

(*c*) Coolie Bazar, now called Hastings, except such portion as is bounded on the north by Clyde Row, on the south by Tolly's Nullah, on the east by the road leading from Kidderpore Bridge to Clyde Row, and on the west by the Strand Road.

CHAPTER II.

OF THE MUNICIPAL AUTHORITIES.

PART I.—*Of the Constitution of the Corporation and the application of the Municipal Fund.*

Constitution of Corporation.

4. The Commissioners of the Town of Calcutta shall consist of seventy-two members, to be appointed or elected as hereinafter provided, and shall, by the name of "The Corporation of the Town of Calcutta," be a body corporate, and have perpetual succession and a common seal, and by such name shall sue and be sued.

The aforesaid number of seventy-two shall not include the Chairman or the Vice-Chairman of the Commissioners in the event of those two officers not being appointed or elected Commissioners under this Act, but in such case the said Chairman and Vice-Chairman shall be *ex-officio* Commissioners.

The said seventy-two members shall be male persons resident within the Town or the Suburbs, who have attained the age of twenty-one years.

Property to vest in Commissioners for the purposes of this Act.

5. All property, moveable and immoveable, and all interest of whatsoever nature and kind therein now vested in or held in trust for the Justices of the Peace for the Town of Calcutta, with all rights of whatsoever description now used, enjoyed, or possessed by the said Justices, shall become vested in the Commissioners for the purposes of this Act.

Number of Commissioners to be appointed by Government.

6. Of the said seventy-two members, twenty-four shall be appointed by the Local Government immediately after the result of the election hereinafter mentioned shall have been published, and such appointment shall take effect from the date on which such election takes place.

Number of Commissioners to be elected.

7. The remaining forty-eight members shall be elected as hereinafter provided by male persons resident within the Town or Suburbs, who shall have attained the age of twenty-one years.

Voter when entitled to vote in one ward.

8. Any person qualified as aforesaid, who shall have paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January, in the year in which the election takes place, any of the rates mentioned in Chapter IV, assessed on land or masonry buildings, or taxes mentioned in Parts I and II of Chapter III, or any of the said rates and taxes for the next preceding year, to the aggregate amount of not less than twenty-five rupees, may, if not entitled to vote in more wards than one under the next succeeding section, vote in one only of the wards mentioned in section thirteen, and may choose the ward in which he resides, or in which his place of business is situated, or in which any of the said land or masonry buildings is situated.

Voter when entitled to vote in more than one ward

9. Any person qualified as aforesaid, who shall have paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January, in the year in which the election takes place, any of the rates mentioned in Chapter IV, assessed on land or masonry buildings for the next preceding year on account of land or masonry buildings situated in more than one of the said wards, shall be entitled to vote in each ward in which he shall have been a rate-payer to the extent of twenty-five rupees; and no such person shall be entitled to vote on account of any taxes paid under Parts I and II of Chapter III.

The word "land" in this and the last preceding section does not include huts erected on land.

Vote of a company.

10. Any company registered under the "Indian Companies' Act, 1866," which has paid any of the said rates or taxes, or rates and taxes, to the aggregate amount of not less than twenty-five rupees on the date and for the period and in the manner mentioned in section eight, shall be entitled to one vote in the ward in which the place of business of the said company is situated, and such vote shall be given by the Secretary of the Company, or some other person duly authorised in that behalf.

Qualification of elected Commissioners.

11. Every male person shall be qualified for election as a member of the Corporation who shall have severally paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January, in the year in which the election takes place, any of the rates mentioned in Chapter IV, or taxes mentioned in Parts I and II of Chapter III, or any of the said rates and taxes for the next preceding year, to the aggregate amount of not less than fifty rupees.

Provided that no officer of the Corporation shall be qualified for election as a member of the Corporation so long as he shall remain in the employ of the Commissioners, except the Chairman and Vice-Chairman as hereinbefore provided.

Qualification of members of a joint family or firm.

12. Where the aggregate amount of rates or taxes, or of rates and taxes, paid by a joint undivided family, or by two or more partners in any trade or business, or by the joint occupiers of any house or land, under Chapter IV, or under Parts I and II of Chapter III, on the date and for the period and in the manner aforesaid, is not less than one hundred rupees, any one member of such family, or any one of such partners or joint occupiers, may, if otherwise qualified, be eligible for election as a member of the said Corporation.

If the majority of the members of such joint family, or of such partners, or of such joint occupiers, agree to select one of their number, the person so selected shall be eligible for election under this section. But if the majority do not so agree, the Chairman shall decide which of the said members, partners, or joint occupiers is so eligible, and such decision shall be final and conclusive.

For the purpose of election, the Town to be divided into wards.

13. For the purpose of the aforesaid election of Commissioners, the Town shall be divided into eighteen wards, the boundaries of which are defined in the first schedule.

The first, second, third, fourth, eleventh, and eighteenth of the wards described in the said schedule may each elect two

Commissioners, and the remaining wards may each elect three Commissioners.

Every person qualified to vote as hereinbefore provided may vote for as many candidates as there are Commissioners to be elected in the ward or wards allotted to such person under section eighteen, and may give all or any of the votes which he is entitled to give in any one ward to any candidate in that ward.

If ward fails to elect, Local Government may appoint.

14. If the rate or tax-payers of any ward shall fail to elect the number of Commissioners allotted to such ward under the last preceding section, the Local Government shall, in place of such election, appoint one or more Commissioners to complete the number so allotted as aforesaid.

Procedure if a person is elected a Commissioner in more than one ward

15. If any person is elected a Commissioner for more than one of the said wards he shall, within five days of the date of the election, choose, or, in default thereof, the Chairman shall forthwith declare, the ward for which such person shall serve; and such person shall thereupon be held to be elected in that ward only which he shall so choose, or which the Chairman shall so declare; and thereupon the rate and tax-payers of the other ward or wards in which the said person has been elected a Commissioner shall forthwith proceed to elect another Commissioner in the manner provided by this Act.

Procedure in case of equality of votes.

16. Where an equality of votes is found to exist between any two candidates at any election under this Act, and the addition of a vote would entitle any of such candidates to be elected a Commissioner, the Chairman may give such additional vote, and the candidate to whom such additional vote has been given shall thereupon be held to be elected a Commissioner.

Time and manner of election.

17 The first election shall take place at any time, not being less than two, or more than three months from the commencement of this Act; and until such election has taken place, and until the appointment of members by the Local Government takes effect under section six, this Act shall be read as if all the

Justices of the Peace for the Town of Calcutta had been respectively appointed or elected Commissioners under this Act.

All subsequent elections, not being elections under section twenty-three, shall take place on the expiration of three years from the date of the previous election.

Votes at all elections shall be rendered by means of voting papers.

The Local Government may from time to time make rules, not being inconsistent with this Act, for the purpose of regulating all matters connected with such elections, and may at any time cancel or modify any of the said rules, and the result of all elections shall be published in the *Calcutta Gazette.*

The Local Government may declare the penalties which shall be incurred by the breach of any such rule, and any person committing a breach of any such rule shall be liable to the penalty so declared: provided that no higher penalty shall be incurred by the breach of any such rule than a fine of fifty rupees.

The expenses of all elections under this Act shall be paid out of the Municipal Fund.

Registration of voters and persons qualified to be elected.

18. Any person qualified to vote at an election, or to be elected as a Commissioner, may at any time, not being less than six weeks or more than three months before the election takes place, apply personally or by letter to the Chairman of the Commissioners for registration of his name as such voter or person qualified as aforesaid, and shall, at the same time, if he is entitled to vote in one ward only, name the ward in which he wishes to vote; and if he is entitled to vote in more than one ward, name the wards in which he is entitled to vote.

On receipt of such application, the Chairman shall, if he is satisfied that such person is qualified to vote, or to be elected as aforesaid, enter the name of such applicant in a list, and shall allot to him the ward or wards which he may have named as aforesaid; and no person whose name is not entered in such list at the time of the election shall be qualified to vote, or to be elected as a Commissioner.

If the applicant shall omit to name a ward as aforesaid, the Chairman shall allot to him such ward as to the Chairman

may seem fit, and if the applicant shall omit to name the wards as aforesaid, the Chairman shall allot to him the wards in which he is entitled to vote.

Publication of list.

19. As soon as possible after the commencement of this Act, and subsequently from time to time on any date or dates not less than one month before the election (not being an election under section twenty-three) takes place, the list mentioned in the last preceding section shall be printed and affixed by the Chairman of the Commissioners in some conspicuous place in or near his office, and at the police station of each of the said wards, or at some conspicuous place in each of the said wards; and the Chairman shall forthwith give notice of such publication in one English and one Vernacular newspaper published within the Town, and the said list shall be open to public inspection at all reasonable times of the day for fifteen days after the date of the publication of such notice.

The Chairman shall be at liberty at any time to revise the said list for the purpose of removing therefrom the name of any person not duly qualified and erroneously entered therein, or of recording the name of any person duly qualified and erroneously omitted therefrom.

Appeal from decision of Chairman

20. Any person qualified to vote at an election, or to be elected, whose name is omitted from the list referred to in the last preceding section, may, in case the Chairman shall refuse to insert his name in such list, apply to a stipendiary Magistrate of Police for the Town of Calcutta, within eight days after such refusal, for an order to have his name inserted in such list, and such Magistrate shall, after enquiry, make such order as to the insertion or omission of the name of the applicant as shall be just; and such order, if it directs the insertion of the name of the applicant in such list, shall be forthwith obeyed by the Chairman. The order of such Magistrate made under this section shall not be appealable.

Erroneous omission or entry does not affect election.

21. No election shall be deemed to be invalid, or shall be in any way affected by reason of the name of any person duly qualified as aforesaid being omitted from the said list, or by reason

of the name of any person not duly qualified as aforesaid being inserted therein; and no election shall be deemed to be invalid by reason only of any defect of form in the conduct thereof.

Term for which members to be appointed or elected.

22. The members of the said Corporation shall be appointed or elected respectively for a term of three years. At the expiration of the term for which the members of the said Corporation may be appointed or elected respectively, they shall cease to be members of the said Corporation, but shall be eligible to be again appointed or elected members of the said Corporation for a further term or terms.

Provided that the said term of three years shall be held to include any period which may elapse between the expiration of the said three years and the date of the next subsequent election, not being an election under the next succeeding section.

Disqualification of members Successors how appointed.

23. No person shall be qualified to be, or to continue to be, a member of the said Corporation who is or becomes at the time, or during the term of his appointment or election, a bankrupt or insolvent, or who is interested (otherwise than as a shareholder in a joint stock company) in any contract with the Corporation; and no person who is absent from Calcutta for six months consecutively, or who shall be sentenced to imprisonment, shall be qualified to continue to be such member.

In case of the death, resignation, or disqualification as aforesaid of any member of the said Corporation, his successor shall be forthwith appointed or elected in the manner hereinbefore provided, and such successor shall remain a member of the said Corporation for the residue only of the term for which the member so dead, resigned, or disqualified was originally appointed or elected.

Provided that no act of the Commissioners or their officers, or of the Commissioners in meeting, shall be deemed to be invalid by reason only that the number of the Commissioners did not amount to seventy-two at the date of the performance of such act.

Penalty for taking bribe.

24. Whoever, being qualified to vote, or claiming to be qualified to vote, at any election under this Act, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification whatever, as a motive or reward for giving or forbearing to give his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, and from being elected a member of the said Corporation.

Penalty for giving bribe

And whoever, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupts or procures, or offers to corrupt or procure, any person to give or forbear to give his vote in any such election, shall be liable to a fine not exceeding five hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, and from being elected a member of the said Corporation.

Application of municipal property and funds.

25. All property vested in the Corporation, and all funds received or raised by them in accordance with the provisions of this Act, shall be applicable to the purposes expressly authorised by this Act.

Objects to which municipal property and funds shall be applicable.

26. The purposes expressly authorised by this Act shall be held to include the objects connected with the public safety, health, and convenience hereinafter specified; that is to say:—

Public Safety.

(1) Defraying the cost of the police who may be employed for the security of life and property within the Town, in the manner and to the extent mentioned in Chapter VIII.

(2) Provision for lighting the public streets, places, and buildings, and for the securing or removal of dangerous places, buildings, and trades.

Public Health.

(1) Defraying the cost of the maintenance of hospitals and of charges of vaccination, registration of births, deaths, and marriages, and taking a census.

(2) Construction and maintenance of public markets and slaughter-houses, latrines, privies, depôts for the deposit or discharge of night-soil, urinals, drains, sewers, drainage-works, water-works, bathing-ghâts, drinking-fountains, tanks, wells, squares and gardens, reclamation of unhealthy localities, and the like.

(3) Cleansing and watering of streets, sewers, scavenging, removal of noxious vegetation, and generally the abatement of all nuisances.

(4) Regulation of offensive trades, and burial and burning grounds, and the removal of and providing sites for the same.

Public Convenience

(1) Construction, maintenance, and alteration of streets, bridges, causeways, culverts, and the like; regulation of buildings, naming streets and numbering houses, planting trees, and removal of obstructions and projections.

(2) Erection and maintenance of public halls, offices, police stations, lock-ups, and other buildings under the control of the Corporation, or required for municipal or police purposes.

(3) Survey of houses and preparation of plans.

And generally all objects connected with the public safety, health, and convenience.

PART II.—*Of the duties of the Corporation.*

Duties of Commissioners.

27. It shall be the duty of the Commissioners, and they are hereby required to—

(1) provide for the payment of the interest on the municipal debt in the manner prescribed by section three hundred and thirty-seven;

(2) provide for the establishment of a reserve fund in the manner prescribed by the said section;

(3) provide such funds as may be necessary for the maintenance of the police in the manner and to the extent mentioned in Chapter VIII;

(4) complete and extend throughout the Town the new underground drainage works now under construction, and for that purpose to expend annually a sum, being not less than one lakh

and a half of rupees, or, with the sanction of the Local Government, any sum less than the above amount, to be raised as provided by section three hundred and thirty-four;

(5) maintain a water-supply in the manner and to the extent mentioned in Chapter VII;

(6) make adequate and suitable provision for the cleaning and the conservancy of the Town, and to provide such funds as may be necessary for that purpose.

Local Government may appoint a Commission

28. If it shall appear to the Local Government that the Commissioners have failed to make adequate and suitable provision for the cleaning and the conservancy of the Town to an extent likely to be prejudicial to the health of the inhabitants of the Town, or of any part thereof, the Local Government may, by notification in the *Calcutta Gazette*, appoint a Commission, consisting of three persons, of whom one shall be the Sanitary Commissioner for Bengal, or the Senior Medical Officer of the Presidency, the second shall be appointed by the Commissioners in meeting within thirty days of the date of the said notification, or in their default, by the Local Government, and the third by the Local Government; and the Local Government shall order the members of the said Commission to report within a certain time, to be fixed by the Local Government, whether they are of opinion that the cleaning and the conservancy of the Town are defective to an extent likely to be prejudicial to the health of the inhabitants of the Town, or of any part thereof, and, if they shall be of such opinion, to specify in their report what further provision should be made for the cleaning and the conservancy of the Town up to the end of the year then current, or of the year next succeeding, as may be directed by the Local Government, and to submit an estimate of the cost of the said further provision.

In default of Commissioners, Local Government may carry out recommendation contained in report of the Commission.

29. On receipt of the said report, the Local Government shall forward the same for the consideration of the Commissioners, and if the Commissioners shall decline to carry out the provisions recommended therein, the Local Government may order that such provisions, or any of them, or any portion

of them respectively, be carried out; and thereupon it shall be the duty of the Commissioners to comply with such order, and to provide the funds mentioned in the said estimate, or such portion thereof as the Local Government may fix; and the Chairman shall forthwith carry out such order, and shall defray the cost of carrying out the same from the Municipal Fund, notwithstanding any power conferred on the Commissioners by section fifty-three, or anything to the contrary contained in any other provision of this Act.

Provided that, if there is a difference of opinion among the members of the said Commission, the opinion and report of the majority of the said members shall be held to be the opinion and report of the Commission.

PART III.—*Of the Officers of the Corporation.*

Appointment and removal of Chairman of the Commissioners.

30. The Local Government shall from time to time appoint a proper person to be Chairman of the Commissioners.

Such Chairman may be removed from office by the Local Government if his removal be recommended by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting of the Commissioners shall have voted, but not otherwise.

Appointment of Vice-Chairman.

31. The Commissioners, at a special general meeting to be held for that purpose, may from time to time appoint, for such period as they may think fit, a proper person to be Vice-Chairman of the Commissioners.

Such appointment shall be subject to the approval of the Local Government.

Appointment of Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor.

32. The Commissioners may, at a special general meeting, from time to time, appoint proper persons, for such period as they may think fit, to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor

for the Town, or may appoint a proper person to two or more of such appointments, or to one.

Every person so appointed, and also the Vice-Chairman, shall reside within the Town, and shall in all things be under the immediate orders of the Chairman, and shall perform such duties as shall be assigned by him, and may be removed by the Commissioners by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting shall have voted, and another person may be appointed in his place.

All appointments and resolutions under this section shall be subject to the approval of the Local Government.

Chairman and Vice-Chairman to reside in Calcutta, and not to engage in any other profession or trade

33. The Chairman and Vice-Chairman shall reside within the Town, and each of them shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman shall have or engage in any other profession, trade, or business whatsoever:

Provided that—

(*a*) Any Civil or Military Officer in the service of the Government may hold the office of Chairman or Vice-Chairman, so long as such officer shall fill no other appointment than those specified in this section.

(*b*) The Chairman may also hold the office of Commissioner of Police, or of Commissioner as interpreted in section 1 of Bengal Act No V of 1870 *(to appoint Commissioners for making Improvements in the Port of Calcutta)* and may perform such other duties as the Local Government may from time to time assign to the Commissioner of Police.

(*c*) The Chairman may also be a member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations

(*d*) The Vice-Chairman may, with the sanction of the Local Government, be appointed to and may hold any other office in the employ of the Commissioners to which he may be appointed at a special general meeting.

34. The Chairman and the Vice-Chairman respectively may receive such allowances out of the Municipal Fund as shall be, from time to time, fixed by the Commissioners at a special general meeting.

Allowances of Chairman and Vice-Chairman.

Such allowance shall not exceed—

(*a*) for the Chairman three thousand rupees a month (exclusive of house-rent, which may or may not, in the discretion of the Commissioners, be allowed):

(*b*) for the Vice-Chairman twelve hundred rupees a month.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

35. Every Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor, appointed as hereinbefore provided, may receive such allowance out of the Municipal Fund as shall be from time to time fixed by the Commissioners at a special general meeting.

Salaries of Secretary, Engineer, &c.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

36. The Chairman may from time to time appoint all such Overseers, Clerks, Subordinate Officers, and servants as he shall think necessary and proper to assist in carrying out this Act, and may from time to time remove any of such persons and appoint others in their place;

Appointment and remuneration of Overseers, Clerks, and Subordinate Officers.

and may, with the sanction of the Commissioners in meeting, other than an ordinary meeting, pay out of the Municipal Fund such allowances to the said persons respectively, or in case of absence on leave, such portion thereof as he shall think reasonable: Provided that the allowances of the offices filled by the said persons shall have been sanctioned in meeting, other than an ordinary meeting.

But no person shall be appointed to, or removed from, any office, the monthly salary of which exceeds two hundred rupees, without the sanction of the Commissioners in meeting, other than an ordinary meeting.

Commissioners to grant leave of absence, &c., with sanction of Government.

37. The Commissioners may in meeting, other than an ordinary meeting, with the sanction of the Local Government, grant such leave of absence to the Chairman or any officer appointed under sections thirty-one and thirty-two, and may, if such officer be other than the Chairman, make such arrangements for carrying on the duties of his office during his absence on leave as shall to them seem proper.

In any case in which leave of absence shall be granted to the Chairman, the Local Government shall appoint one of the Commissioners to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office as to it shall seem proper.

Any person appointed under this section to act for the Chairman or any other officer shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other officer for whom he may be appointed to act would, under this Act, have or be liable to.

Allowances during absence on leave.

38. In any case in which leave of absence shall be granted under the last preceding section, the Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at the meeting shall have voted, with the sanction of the Local Government, out of the Municipal Fund, pay to the Chairman or other officer aforesaid such allowance during absence on leave as shall to them seem proper.

Commissioners may make rules for pensions and gratuities to their officers and servants.

39. The Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at such meeting shall have voted, from time to time make rules for pensions and gratuities to be granted, and to be paid out of the Municipal Fund, to their officers and servants, and may repeal, alter, or add to such rules.

No rule, and no repeal, or alteration of, or addition to any rule, shall have effect until the same has been confirmed by the Local Government and published in the *Calcutta Gazette.*

The Commissioners may in meeting, other than an ordinary meeting, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities to any of their officers or servants as to the Commissioners may seem fit.

Officers, &c., not to be interested in contracts made with the Commissioners.

40. No Chairman or Vice-Chairman, or other officer or servant of the Commissioners, shall be interested directly or indirectly in any contract made with the Commissioners, and if any such person be so interested, he shall become incapable of continuing in office or in employment as such Chairman, Vice-Chairman, or other officer or servant, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit brought by or on behalf of the Commissioners.

Provided that no person shall, by reason of being a shareholder in, or a member of any incorporated or registered Company, be deemed interested in any contract entered into between such Company and the Commissioners.

Penalty on officers, &c., taking unauthorized fees.

41. If any person employed under this Act (not being a public servant within the meaning of Section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act;

or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person, with the Commissioners or with any public servant, or with the Government as such, he shall be punished with imprisonment, either simple or rigorous as provided in Section 53 of the Indian Penal Code, for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both.

PART IV.—*Of the Mode of transacting Business and entering into Contracts.*

Commissioners to provide an office and keep a book for entry of complaints

42. The Commissioners shall provide and keep an office within the Town, and shall at such office, and during all days of business, keep open a book in which shall be entered all reasonable complaints made, orally or by letter, by any inhabitant, or the owner or occupier of any house or land within the Town, of any matter cognizable by the Commissioners;

and the proper officer of the Commissioners shall forthwith inquire into the truth of all such complaints, and report thereon to the Commissioners; and such report shall be entered in the said book, and such book shall be open, at all reasonable times, to any inhabitant, or owner, or occupier of any house or land within the Town.

Time for holding quarterly and ordinary meetings

43. There shall be four quarterly meetings in every year, and one ordinary meeting in every month, at which the Commissioners shall meet for the transaction of general business.

The quarterly meeting shall be held in the months of January, April, July, and October, or in any month to which the quarterly meetings first called for the months of January, April, July, and October may be adjourned; and the ordinary meetings at such dates as the Commissioners in meeting may from time to time direct.

Provided that no ordinary meeting need be called if there be no business to be laid before it by the Chairman or by any of the Commissioners.

Business at ordinary and quarterly meetings

44. The Commissioners shall, from time to time, as occasion may require, at a special meeting to be convened for that purpose, or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said ordinary and quarterly meetings: and no business, save such kind of business, shall be transacted at such meetings:

But the Chairman may postpone the discussion of any question that may be raised at any such meeting, and refer the determination thereof to a special or special general meeting to be convened within fourteen days thereafter.

Special and special general meetings may be called.

45. The Chairman or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Commissioners, call a special or special general meeting of the Commissioners.

Previous to any such meeting, at least five days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in at least two of the daily newspapers published within the Town.

What business to be transacted at special and special general meetings.

46. No business shall be brought before, or transacted at, any special or special general meeting other than the business specified in the notice given under the last preceding section:

Provided that any Commissioner may submit to a special or special general meeting any resolution beyond the matters mentioned in the notice given of such meeting, if he shall have given not less than two clear days' previous notice of his intention so to do, by leaving a copy of the resolution at the office of the Commissioners.

All questions to be decided at meetings by majority of votes.

47. All acts authorized or required to be done by the Commissioners, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Commissioners present at the meeting before which the matter may be brought.

Who to preside at meetings.

48. The Chairman and Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman or, in his absence, the Vice-Chairman, shall preside at every such meeting, and shall have a second or casting vote in all cases of equality of votes.

In the absence of both the Chairman and Vice-Chairman, the Commissioners present at any meeting shall choose some one of

their number to preside, who shall, in case of equality of votes, have a second or casting vote.

The President of any meeting at which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

What shall constitute quorum

49. No business shall be transacted at any meeting unless a quorum of Commissioners be present at such meeting, that is to say—

(*a*) At an ordinary meeting at least six.

(*b*) At a special meeting at least nine.

(*c*) At a special general, or quarterly meeting, at least eighteen.

Provided that, if at any meeting there shall not be a sufficient number of Commissioners present to form a quorum as above mentioned, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient time and place as he shall think fit; and the business which should have been brought before the original meeting, had there been a quorum present, shall be brought before and disposed of by the adjourned meeting in the usual manner, whether there be a quorum present at such adjourned meeting or not:

Provided also that no business shall be brought before an adjourned special general or quarterly meeting, unless there are at least ten Commissioners present at such adjourned meeting.

Minutes of proceedings of meetings to be kept, and to be open for inspection.

50. Minutes of the proceedings of all meetings shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting; and minutes of each meeting shall be laid on the table at the next subsequent meeting, and the said minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas.

51. At any special general or quarterly meeting, unless a poll be demanded by at least five Commissioners, and at any special or ordinary meeting, unless a poll be demanded by at least three Commissioners, a declaration by the President that a resolution has been carried, and an entry to that effect in the book of proceedings of the Commissioners shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

Declaration by President that a resolution has been carried.

52. If a poll be demanded as in the last preceding section mentioned, the votes of all the Commissioners present who desire to vote shall be taken under the direction of the President, and the result of such poll shall be deemed to be the resolution of the Commissioners at such meeting.

Poll how to be taken.

53. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the office of the Commissioners for the transaction of business connected with or arising under this Act, and, when so attending, shall have all the powers vested by this Act in the Commissioners; and they may respectively exercise the like powers at all times in carrying out the orders of the Commissioners, or in executing any work sanctioned by them, and generally in the management of the business aforesaid:

Chairman or Vice-Chairman to attend daily for the transaction of business, and to exercise the powers of the Commissioners.

Provided that no Chairman or Vice-Chairman shall act in opposition to, or contravention of, any order of the Commissioners, or exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting.

54. The Commissioners may enter into and perform all such contracts as may be necessary for carrying this Act into effect.

Mode of contracting by, and on behalf of, the Commissioners.

Every contract made on behalf of the Commissioners in respect of any sum exceeding one thousand rupees, or in respect of any property exceeding one thousand rupees in value, shall be in writing, and signed by the Chairman

(or, in his absence, by the Vice-Chairman) and two other Commissioners, and shall be sealed with the seal of the Commissioners, and no such contract shall be made without inviting tenders thereon and without the approval of a Committee of the Commissioners.

Unless so executed, it shall not be binding on the Commissioners.

The Commissioners may compound with any contractor or other person in respect of any penalty or damages incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or otherwise, for such sums of money or other recompense as to the Commissioners may seem proper.

Commissioners may appoint Committees.

55. The Commissioners in meeting may from time to time appoint, from among the Commissioners, such and so many Committees, either of a general or of a special nature, and consisting of such number of persons as they may think fit, for the purpose of inquiring into, and reporting upon, any matter connected with the conservancy or improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which in the discretion of the Commissioners would be better regulated or managed with the advice and aid of any such Committee:

Provided that the Chairman or Vice-Chairman shall be a member of every such Committee, and that the proceedings of every such Committee shall be submitted to the Commissioners at a meeting:

Provided also that in cases where the Chairman and the majority of the Committee differ on any matter, no action shall be taken in respect of such matter until it be disposed of by the Commissioners in meeting.

PART V.—*Of the Estimates of Income, Expenditure, and Audit.*

A budget or estimate of income and expenditure to be submitted annually to the Commissioners.

56. At the quarterly meeting to be held in the month of October in each year, the Chairman shall lay before the Commissioners a budget or estimate, prepared by him, of the income and expenditure of the Commissioners (notmentioned in

Chapter VIII) for the year commencing on the first day of January then next succeeding, in such detail and form as the Commissioners shall from time to time, by order passed at a quarterly or special general meeting, direct.

Such budget shall be completed and printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House, at least seven days prior to the meeting before which the budget is to be laid.

Budget of expenditure.

57. The budget shall show what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Provided that nothing contained in this section shall preclude the Commissioners in meeting from sanctioning expenditure not provided for in the budget.

Revision and passing of estimates

58. It shall be in the discretion of the Commissioners, at the meeting referred to in section fifty-six, to pass, or to reject, or to modify, the estimates of all or any sums entered in the budget.

No new work or series of works, the entire estimated cost of which shall exceed fifty thousand rupees, shall be commenced without the sanction of the Local Government.

Accounts to be audited and examined.

59. The accounts of the receipts and expenditure of the Commissioners shall be audited and examined at least once in every year at such time and by such auditors as shall, from time to time, be appointed by the Local Government.

Powers of Auditors.

60. For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or

adjournment thereof, and to make and sign a declaration with respect to the same.

Penalty

61 If any such person neglect or refuse to make or sign such declaration, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable, for every neglect or refusal, to a fine not exceeding one hundred rupees, and to a further fine not exceeding seventy rupees for each day during which the offence is continued after he has been convicted of such offence.

Remuneration of auditors

62. All auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Commissioners in meeting, other than an ordinary meeting, shall from time to time determine.

Ten days' notice of audit to be given.

63 Before each audit and examination of accounts, the Commissioners shall give ten days' notice of the time and place at which the same will be made by advertisement in at least two of the daily newspapers published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners and be open during office hours thereat to the inspection of all persons interested for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners at a meeting, who shall cause the same to be deposited in the office of the Commissioners, and to be published in the *Calcutta Gazette*.

PART VI.—*Of the fixing of rates.*

Rates to be fixed at the quarterly meeting in October.

64. At the quarterly meeting to be held in the month of October in each year as aforesaid, the Commissioners shall fix the rates at which the rates and taxes hereinafter mentioned shall

be imposed for the year commencing on the first day of January then next ensuing, and the rate so fixed shall not be altered before the quarterly meeting held in the next succeeding month of October, except by a resolution passed by the Commissioners at a special general meeting.

CHAPTER III.

OF TAXES.

PART I.—*Of the tax on carriages and animals.*

Tax on carriages and animals.

65. A tax at a rate not exceeding the rates specified in the second schedule shall be imposed upon all carriages and animals kept within the Town, and shall be payable in advance. But it shall not be imposed on—

(*a*) animals belonging to Officers doing regimental duty at the Presidency, at the rate of one animal for each Officer;

(*b*) animals exempt from any municipal tax under section 25 of the Indian Volunteers' Act, 1869;

(*c*) carriages or animals belonging to the Government or to the Commissioners;

(*d*) carriages, the wheels of which do not exceed twenty-four inches in diameter;

(*e*) animals under eleven hands in height;

(*f*) carriages kept for sale by *bonâ fide* dealers in such carriages and not used for any other purpose;

(*g*) animals used by, or in, any cavalry regiment, or by the Police Force.

Owners of carriages, &c., to take out license.

66. The person in possession of every carriage or animal kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the office of the Commissioners a

statement in writing signed by him, containing a description of the carriages and animals in his possession liable to the tax.

Such person shall at the same time pay to the Commissioners such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the carriages and animals specified in such statement, according to the rates given in the second schedule.

Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of any carriage or animal so kept, shall, within a week of becoming so possessed, send to the office of the Commissioners a similar statement, together with the amount payable for the whole of the then current half-year, according to the rates specified in the second schedule.

The Commissioners may, if they are satisfied that any such carriage or animal has been kept for only a portion of the then current half-year,

remit the whole, or such portion thereof as they may think fit, of the amount so payable.

For the purposes of this section, a livery stable-keeper shall be deemed to be possessed of every animal in his stables.

On payment of tax Commissioners to grant license.

67. Whenever any person shall pay to the Commissioners the amount of the tax which under the two last preceding sections shall be payable by him in respect of all carriages and animals kept within the Town, the Commissioners shall grant to such person a licenset o keep within the Town such carriages and animals during the current half-year ending upon the first day of January or the first day of July which shall occur next after the grant of such license, and no longer.

Penalty.

68. Whoever keeps or is in possession of any carriage or animal without the license required by the two last preceding sections shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

69. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons in lieu of the taxes specified in the second schedule.

Commissioners may compound for carriages with livery stable-keepers and others.

70. Whoever, having compounded for the payment of a certain sum under the last preceding section, refuses to pay such sum shall be liable to a fine not exceeding three times the amount payable by him in respect of such composition, exclusive of the amount so payable.

Penalty.

71. The Commissioners may, by a notice in writing under their common seal, require any person who shall carry on the trade or business of a livery stable-keeper to produce, for the inspection of the Commissioners, or of any officer authorized by them in that behalf, all books and accounts relating to the business of a livery stable-keeper carried on by such person.

Power to compel production of the books of livery stable-keepers.

72. The Commissioners, or any person authorized by them in that behalf, may, at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage or animal liable to taxation; and the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under sections sixty-five and sixty-six, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

Power to inspect stable, &c., and to summon persons liable to the payment of the tax.

73. Whoever neglects or refuses to comply with a notice served under section seventy-one, and whoever hinders or obstructs the Commissioners or any person appointed by them from, or in entering or inspecting

Penalty.

any stable, coach-house, or place in the manner provided in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

List of persons licensed to be entered in a book.

74. The Commissioners shall from time to time cause to be prepared and entered in distinct columns, in a book to be kept at the office of the Commissioners and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons to whom during the then current period of six months a license has been granted under section sixty-seven, and of the carriages and animals in respect of which the same has been granted.

PART II.—*Of the Tax on Professions, Trades, and Callings.*

Persons exercising certain professions, trades, and callings in the Town, to take out a license

75. Every person who shall within the Town exercise any of the professions, trades, or callings specified in the third schedule shall yearly take out a license, and shall pay for the same such sum as is in the third schedule mentioned.

The Commissioners may in their discretion remit any portion of the sum so payable if they are satisfied that any such person has exercised any such profession, trade, or calling for a portion of the year only.

License to be granted by Commissioners and to specify particulars

76. The license mentioned in the last preceding section shall be granted by the Commissioners, or by some person authorized by them in that behalf, and shall specify

the date of the grant thereof,
the name of the person to whom the license is granted,
the profession, trade, or calling for which the license is granted,
and the sum paid for such license.

Such license shall have effect and continue in force from the commencement of the year in which it is granted until the

thirty-first day of December next after the day of the granting thereof, and no longer.

Penalty.

77. Whoever exercises any trade, profession, or calling without the license required by section seventy-five shall be liable to a fine not exceeding three times the amount payable by him in respect of such license exclusive of the amount so payable.

Chairman or Vice-Chairman to classify all persons required by this Act to be licensed.

78. The Chairman, or some other officer authorized by him in that behalf, shall determine under which of the classes mentioned in the third schedule every person to whom a license may be granted shall be assessed, and the Chairman may in his discretion remit the payment of license tax either in whole or in part to any person classified under Classes 5 or 6 of the third schedule.

Appeals against assessment of licences.

79. Any person may, within fourteen days of the date of his being informed of the class under which he has been assessed as determined in the last preceding section, appeal against such assessment by delivering at the office of the Commissioners an application in writing stating the grounds of appeal; and such appeal shall be heard and determined by not less than three Commissioners other than Executive Officers of the Commissioners.

No such appeal shall be heard unless the amount of the license assessed as aforesaid has been deposited with the Commissioners.

If no appeal be made within the time limited as aforesaid, the decision of the Chairman or Vice-Chairman shall be final.

Commissioners may require list of persons in any house.

80. The Commissioners may, by a notice in writing under their common seal, require the occupier of any house to forward to them a list in writing signed by him of the names of all persons residing in such house, and of their respective professions, trades, and occupations.

Penalty

81 Whoever, being the occupier of any house, fails to forward such list when required to do so under the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

Chairman to prepare a list of all persons required by this Act to be licensed

82. As soon as may be after the first day of January in every year, the Chairman shall prepare a list of the persons licensed under sections seventy-five and seventy-six, which shall state—

the profession, trade, or calling of every such person therein named,

the class under which he is assessed,

and the sum paid by him in respect of his license,

and such list shall be kept in the office of the Commissioners and be open to public inspection at all reasonable times.

PART III.—*Of the Registration of Carts.*

Registry and numbering of carts.

83. Every cart kept or used within the Town, or the Suburbs, or Howrah, shall be registered in the office of the Commissioners with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Commissioners shall direct.

Penalties.

84. Whoever keeps or is in possession of a cart not duly registered as required by the last preceding section shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix the registration number required by the last preceding section shall be liable to a fine not exceeding five rupees.

Fee for registration

85. The registration of carts under the last preceding section shall be made, and the numbers assigned half-yearly on or after the first day of January and the first day of July in each year, upon such days as the Commissioners shall appoint, and a fee of four rupees shall be paid for each registration.

The Commissioners may in their discretion remit any portion of the fee so payable if they are satisfied that the cart hereinbefore required to be registered has been kept or used as in the last preceding section mentioned for a portion of the half-year only.

When any registered cart is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last-mentioned registration.

One-sixth of the total net proceeds of the fees half-yearly received by the Commissioners for the registration of carts, after deducting charges incurred in and about such registration, shall be paid half-yearly by the Commissioners to the municipality of the Suburbs, and one-twelfth of such proceeds to the municipality of Howrah.

Provided that it shall be in the discretion of the Local Government, from time to time, to alter the proportion of the said proceeds required by this section to be paid by the Commissioners to the municipalities of the Suburbs and of Howrah respectively, and to prescribe such other proportions as to it shall seem proper.

Last three sections not to apply to certain carts.

86. The three last preceding sections shall not apply to carts—

(*a*) which are the property of the Government,

(*b*) which are the property of the Commissioners, the Municipal Commissioners of the Suburbs, or of Howrah.

(*c*) or which are kept at any place more than eight miles distant from Government House and are only temporarily and casually used within the Town, the Suburbs, or Howrah.

On failure to register, the Commissioners may seize and sell cart and animals.

87. If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners, or any officer authorized by them in that behalf, may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of

passengers or goods), together with the animals or cattle drawing the same, and may detain them;

and all Police Officers shall, on the application of the Commissioners or their officers as aforesaid, seize and detain any such cart, animals, or cattle.

If the cart, animals, or cattle so seized be not claimed within ten days, they may be sold by auction by order of a Justice of the Peace, or Magistrate, and the proceeds of such sale may be applied to the expenses incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the Municipal Fund of Calcutta.

CHAPTER IV.

Of Rates.

Part I.—*Of Imposing the Rates.*

Rates.

88. The Commissioners shall, as provided in section sixty-four, impose upon all houses and land within the Town the following annual rates, which shall be calculated on the annual value of the said houses and land—

(*a*) a house-rate not exceeding ten per centum;

(*b*) a water-rate not exceeding six per centum when the houses and land are situated in streets supplied with filtered water in the manner provided by section one hundred and twenty-nine, and not exceeding five per centum when the houses and lands are situated in streets not so supplied;

(*c*) a police-rate not exceeding three per centum;

(*d*) a lighting-rate not exceeding two per centum.

The Commissioners may impose upon all houses and land situated within the boundaries declared under section one hundred and sixty-eight an annual drainage-rate not exceeding two and a half per centum of their anual value.

Rates by whom and when payable.

89. The house-rate and drainage-rate shall be payable by the owners of the houses and land.

The water-rate shall (save as is provided in sections ninety-nine and one hundred) be payable by the occupiers of the houses and land.

The police and lighting-rates shall (save as is provided in section one hundred) be payable by the occupiers of the houses and land.

All the rates hereinbefore mentioned shall be payable by quarterly instalments.

The house-rate shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

The water-rate shall (save as is provided in section ninety-nine) be payable in advance on the dates above-mentioned for the current quarter.

The police and lighting-rates shall be payable in advance on the dates above-mentioned for the current quarter.

PART II.—*Of the Owner's Rates.*

If assessment be made at a higher annual value than the amount paid by the occupier, owner may recover difference from him.

90. If the annual value of any house or land as assessed under Chapter V shall in any case exceed the amount of rent payable by the occupier to the owner, the owner may in such case recover from the occupier the difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by the occupier, and shall be recoverable by the owner from him.

Remission of house-rate when house vacant.

91. Where any house or land whereon the rate is assessed under Chapter V has been vacant for sixty consecutive days during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such

house or land has been vacant, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners

No remission unless application be made within six months from vacancy

92. No remission shall be made under the last preceding section, unless the same shall be applied for within six months from the date of cessation of occupation of the house or land on account of which the remission is applied for.

PART III. – *Of the Occupier's Rates.*

Refund of water-rate when house ceases to be occupied.

93. Whenever any quarterly instalment of water-rate shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such water-rate shall be entitled to be repaid by the Commissioners three-fourths of such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

Refund of police and lighting-rates when house ceases to be occupied.

94. Whenever any quarterly instalment of the police and lighting-rates shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such instalment shall be entitled to be repaid by the Commissioners such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of delivery of such notice at the office of the Commissioners.

95. No refund of rates shall be made under the two last preceding sections, unless the same is applied for within six months from the date of cessation of occupation of the house or land on account of which the refund is applied for.

No refund of rates unless application made within six months from vacancy.

96. Whenever any house or land which shall have been unoccupied shall be occupied during any quarter, there shall be forthwith payable in respect of such house or land such amount of the water, police, and lighting-rates as shall bear to the entire quarterly instalments of the said rates for such house or land the same proportion as the residue of such quarter after such house or land shall be occupied bears to an entire quarter.

Rate payable on house or land becoming occupied.

97. Whenever any person holding any house or land at a rent from the person liable to pay the house-rate has or may sublet the same to different persons holding in severalty, the person so holding shall, for the purposes of this Act, be deemed to be the occupier of such house or land.

Person subletting to different persons to be deemed occupier.

98. Whenever the person from or by whom the water-rate shall have been recovered or paid shall not be the owner of the house or land in respect of which the water-rate shall have been assessed, such person may recover from the owner of such house or land one-fourth of the water-rate so paid by deducting the same from the rent payable by him to such owner.

Occupier paying water-rate to deduct one-fourth from rent due to owner.

99. Whenever any house or land has been unoccupied during an entire quarter, the owner of the said house or land shall pay to the Commissioners one-fourth of the sum which would have been payable as water-rate by the occupier if such house or land had been occupied.

When house or land unoccupied, owner to pay one-fourth of water-rate.

The sum payable by the owner under this section shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

Power to assess owners in certain cases.

100. If any house is occupied by more than one person holding in severalty, or is of less assessed annual value than two hundred rupees, the Commissioners may impose the water, police, and lighting-rates upon the owner of such house, or upon the owner of the land on which such house is situated.

Owner to recover from occupier water-rate paid by owner

101. If the water-rate is paid by the owner of any house or land under the last preceding section, such owner may, if there be but one occupier of the house, recover from such occupier three-fourths of the rate so paid by such owner;

and if there be more than one occupier, he may recover from each occupier three-fourths of such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

Owner to recover from occupier police and lighting-rates paid by owner

102. If the police and lighting-rates are paid by the owner of any house or land under section one hundred, such owner may, if there be but one occupier of the house, recover from such occupier the entire amount of the rates so paid by such owner;

and if there be more than one occupier, he may recover from each occupier such sum as shall bear to the entire amount of rates so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

Owner to have same power for recovering rates as for recovering rent.

103. Every owner who, under the provisions of the two last preceding sections, may be entitled to recover any sum from the occupier of any house or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the house as may be in his occupation.

CHAPTER V.

OF THE ASSESSMENT OF HOUSES AND LAND.

Annual value of house or land how to be ascertained

104. The estimated gross annual rent at which any house or land liable to rate under this Act might reasonably be expected to let from year to year shall, for the purposes of any rate to be imposed under this Act, be held and be deemed to be the annual value of such house or land.

The value of land so estimated shall not include the value of any machinery thereupon.

Provided that all the unoccupied land, roads, and slopes of the Port Commissioners shall be rated at the rent for which the said land, roads, or slopes might be reasonably expected to let, in the same manner as if the said land, roads, and slopes were used for other than public purposes, and belonged to persons other than a public body, save and except the road extending from the northern boundary of the premises occupied by the East India Railway Company at Armenian Ghât to the Chitpore canal, and the road extending from the Chitpore road to the river Hooghly at Coomartollah Ghât, for a width not exceeding seventy feet and sixty feet respectively, which shall be exempted from assessment of any rate under this Act.

Annual value to be assessed by the Commissioners, assessment to remain in force for six years.

105. All assessments made by the Commissioners prior to the commencement of this Act shall remain in force during the period for which they were so made, and on the expiration of such assessments, the annual value at which any house or land is to be assessed shall be fixed by the Commissioners, and such house or land shall be assessed upon the value so fixed for six years from the date on which it is so fixed.

When substantial improvement made, Commissioners may re-assess

106. If, during the currency of any period mentioned in the last preceding section, any substantial alteration and improvement is made to any such house or land, the Commissioners may cause such house or land to be again assessed, even though such period

has not expired, and such last-mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment.

When substantial injury done, Commissioners may re-assess.

107. If, during the currency of any period mentioned in section one hundred and five, any such house or land shall receive substantial injury through fire, cyclone, the act of God, or civil commotion, or suffers material depreciation from any cause proved to the satisfaction of the Commissioners to have been beyond the control of the owner or occupier thereof, the Commissioners shall, as soon as practicable, on application being made to them in writing by the owner or occupier of such house or land, cause such house or land to be again assessed, even though the current period of assessment has not expired, and such last-mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment;

Provided that if any substantial alteration and improvement shall be made, prior to the expiration of the said period of assessment, to the house or land which shall have been again assessed as aforesaid, the Commissioners may cause such house or land to be again assessed as under section one hundred and six.

Annual value assessed to be entered in a book

108. The annual value assessed by the Commissioners as hereinbefore provided shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written in distinct columns—

(*a*) the name of the owner;

(*b*) the name of the occupier, if the occupier is the person liable to pay the rate;

(*c*) a designation of the property sufficient to identify the same, together with the name and number of the street (if any) in which it is situated;

(*d*) the amount of the rate assessed thereon; and

(*e*) the amount of the rate assessed on the house and on the land respectively, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land.

The book required to be kept under this section is hereinafter called the "assessment book."

When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book as the "owner" or "occupier."

New valuation or measurement to be made.

109. The Commissioners shall from time to time make a valuation or measurement of all houses and land within the Town, and for such purpose may divide the Town into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement district by district, and shall enter the same in the assessment book.

Returns may be required for purpose of valuation.

110. The Commissioners may require the owner or occupier of any house or land to furnish them with returns of the measurements and of the rent or annual value thereof; and the Commissioners, or any person authorized by them in that behalf, may at any time between the hour of seven in the forenoon and sunset enter on, and inspect, survey, and measure such house or land after giving a notice in writing of not less than twenty-four hours.

Penalty.

111. Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner, or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such house or land, shall be liable to a fine not exceeding two hundred rupees for every such offence.

Public notice of valuation and measurement to be given.

112. When the valuation or measurement of any of the districts of the Town into which it may have been divided by the Commissioners shall have been completed, the Commissioners shall give public notice thereof, and of the place where the assessment book, or a copy thereof, may be inspected, by advertisement in at least two of the English daily newspapers, and in two Vernacular newspapers, published within the Town, and also by

placards posted up in conspicuous places throughout such district of the Town;

and the person in whose custody the assessment book may be shall permit every person, being the owner or occupier of any house or land included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee, and every person, not being such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one rupee.

Notice when valuation made for first time or increased.

113. The Commissioners shall, in all cases in which any house or land is for the first time assessed, or in which the valuation or measurement of any house or land previously assessed is increased, give special notice thereof to the owners or occupiers of the same, and when the valuation is increased as aforesaid, the said notice shall state the grounds of such increase.

Appeals.

114. Appeals against any assessment made by the Commissioners under this Chapter shall lie—

(*a*) to not less than three Commissioners, other than executive officers of the Commissioners; or

(*b*) to the Court of Small Causes.

In any case of an appeal to the Court of Small Causes under this section, the said Court may follow the procedure laid down in sections three hundred and fifty-four and three hundred and fifty-five.

Notice to be given by person appealing.

115. Any person desiring to appeal against any assessment made under this Chapter, shall, within fifteen days of the publication of the notice referred to in section one hundred and twelve, deliver at the office of the Commissioners a notice in writing stating the grounds of appeal, and also informing the Commissioners whether he intends to appeal under clause (*a*) or (*b*) of the last preceding section.

No appeal shall lie as hereinbefore provided unless the amount of the house-rate for one quarter, under the assessment about to expire, has been deposited with the Commissioners;

and unless the appeal is preferred by the person who at the time the appeal is made shall be recorded in the said book as the owner of the house or land to which the appeal refers, or by the occupier thereof, or by the agent of either of them.

Notice of day for hearing appeals.

116. The Commissioners shall give notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to hear the appeals under clause (*a*) of section one hundred and fourteen.

Every appeal under clause (*b*) of the said section shall be presented to the Small Cause Court within seven days from the date of the delivery of the notice at the office of the Commissioners under the last preceding section.

Assessment by Commissioners when to be final.

117. The assessment by the Commissioners of any rate, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the two last preceding sections, shall be final and conclusive.

Assessments to be entered in assessment book.

118. The assessments made by the Commissioners, subject to such alterations as may from time to time thereafter be duly made on appeal, shall be entered in the assessment book, and the rate calculated on the said assessment shall, subject to such alterations as aforesaid, be deemed to be the rate for the whole period for which the assessment is made, and this period shall be calculated from the commencement of the quarter next succeeding that in which any such amendment shall be so authenticated; and until such date the old assessment shall continue in force, notwithstanding that the period for which the old assessment was made may have expired.

Alteration or amendment of assessment.

119. The Chairman or Vice-Chairman may at any time amend the assessment book by inserting therein the name of any person whose name ought to be so inserted, or by inserting any house or land liable to the rate, after giving notice to any person interested in the making of the amendment of a day, not being less than fifteen days from the date of the

service of such notice when such amendment is to be made; or by striking out the name of any person, or any house or land not liable to the rate, or reducing the amount of the assessment without notice:

and if any amendment shall be made in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal by application in writing to the Commissioners, to be left at their office three clear days before the day fixed in the said notice for such amendment; and the provisions of sections one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, and one hundred and seventeen shall, so far as may be practicable, apply to such appeal.

New assessment book need not be prepared every six years.

120. It shall not be necessary to prepare a new assessment book at the expiration of each period of assessment, but the Commissioners in meeting, other than an ordinary meeting, may adopt the valuation or measurement and assessment contained in any assessment book for any previous period, with such alterations as may in particular cases be deemed necessary, as the valuation or measurement and assessment for the period next following;

Provided that sections one hundred and ten to one hundred and eighteen (both inclusive) shall, as far as may be practicable, be applicable to such valuation or measurement and assessment and to the assessment book or books in which it is contained.

CHAPTER VI.

Of levying the Rates.

Bills to be presented.

121. When any rate is due, the Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the sum due, which shall also contain a statement of the period and a description of the property for which the rate is charged.

Provided that, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land, the assessment on the land and on the house shall be separately entered in the said bill.

Notice of demand.

122. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand in the form contained in the fourth schedule, or to the like effect; and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause to the satisfaction of the Commissioners for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the moveable property of the defaulter, or if the defaulter be the occupier of any house or land in respect of which a rate is due, by distress and sale of any moveable property found on the house or land, under a warrant in the form contained in the fifth schedule, or to the like effect, to be issued for that purpose by the Commissioners.

Distress.

For every notice of demand under this section which the Commissioners shall cause to be served upon any person, a fee, not exceeding one rupee, shall be paid by such person.

Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate may be levied.

Inventory—notice of distress.

123. The officer charged with the execution of a warrant of distress under the last preceding section shall make an inventory of the moveable property seized under such warrant, and shall at the time give a notice in writing in the form contained in the sixth schedule, or to the like effect, to the person in possession thereof at the time of the seizure, that the said moveable property will be sold as therein mentioned.

Sale.

124. If the warrant is not in the meantime discharged or suspended by the Commissioners, the moveable property seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part

thereof as may be necessary, in discharge of the said arrears and costs;

and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure.

All sales of property under this section shall, so far as may be practicable, be regulated by the procedure now in force, or hereafter to be in force, in the Court of Small Causes with respect to sale after distress.

Fees shall be payable upon distraints under this Act according to the rates set forth in the table of fees in the sixth schedule.

All officers and servants of the Corporation are prohibited from purchasing any property at any such sale.

Goods of defaulter, wherever found, may be distrained.

125. The moveable property of any person from whom any rate is due may be distrained, wherever the same may be found, for default in payment of the money due from him.

Rate due from owner may be recovered from occupier, and deducted by him from his rent.

126. If the sum due on account of any rate from the owner of any house or land remains unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of the house or land, and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the house or land, and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him.

Provided that no arrear of rate which has remained due from the owner of any house or land for more than one year shall be so recovered from the occupier thereof.

Distress not unlawful for want of form.

127. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser on account of any irregularity committed by him; but all persons

aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

Commissioners may sue instead of proceeding by distress.

128. Instead of proceeding by distress and sale, or in case of failure to realize by distress and sale the whole or any part of the sum due in respect of any rate, the Commissioners may sue the person liable to pay the same in any court of competent jurisdiction.

CHAPTER VII.

OF THE WATER-SUPPLY.

The Commissioners to provide water-supply.

129. The Commissioners shall provide a supply of water within the Town, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of filtered water in all the chief public streets of the Town, and shall also erect, in all such streets, sufficient and convenient stand-pipes or pumps for the gratuitous use of the inhabitants of the Town for domestic purposes.

The said stand-pipes or pumps shall be so placed that there shall not be any portion of any such chief street at a greater distance than one hundred and fifty yards from some such stand-pipe or pump.

What are not domestic purposes

130. A supply of water for domestic purposes shall not include a supply of water for animals, or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for watering gardens or roads, or for any ornamental or mechanical purpose.

Pressure at which water must be kept

131. The Commissioners shall, between the hours of six in the forenoon and nine in the afternoon, so far as may be reasonably practicable, keep and maintain in their pipes and mains a sufficient supply of filtered

water under a pressure of not less than ten feet for the domestic use of the rate-payers, and shall daily, from the hour of seven in the forenoon to nine in the forenoon, and from the hour of five in the afternoon to six in the afternoon, maintain a pressure of water in the service pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced to a height of not less than fifty feet.

Supply for business

132 The Commissioners may supply water through a meter, for purposes other than domestic purposes, provided that the person requiring such supply make application to the Commissioners in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed.

The Commissioners may thereupon, subject to such charges or rates as may have been fixed by the Commissioners in meeting, other than an ordinary meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Commissioners.

Householder entitled to certain supply of water for domestic use

133. The occupier of every house shall be entitled to have, free of further charge, fifteen hundred gallons of filtered water for every rupee paid to the Commissioners as water-rate on account of such house, to be supplied from the service pipes of the Commissioners for domestic use through a ferrule of such size as the Commissioners may determine. If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for the Commissioners to provide a water-meter at their own expense, and attach the same to the water-pipes of the said house; and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at the rate of one rupee for every fifteen hundred gallons.

Provided that no charge shall be made by the Commissioners for unfiltered water supplied under the next succeeding section.

Nothing contained in the first clause of this section shall apply to houses assessed at less than twelve hundred rupees per annum.

134. It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water closets; and wherever filtered water has been already supplied to such latrines or water-closets, it shall be lawful for the Commissioners at their own expense, and not otherwise, to stop the supply of filtered water, and in lieu thereof to provide unfiltered water for such latrines and water-closets.

Commissioners may provide filtered or unfiltered water for latrines.

135. All latrines and water-closets now supplied, or hereafter to be supplied, with water, filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioners shall direct; and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

All latrines to be provided with cisterns.

136. Every person paying the water-rate hereinbefore mentioned shall be entitled to lay down communication-pipes from the service pipes of the Commissioners for bringing into his house or land a reasonable supply of water for domestic use; provided that the Commissioners shall be at liberty to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

Communication-pipes, &c, to be made of required dimensions and at expense of householder.

The communication-pipes leading the water from the service pipes of the Commissioners into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the Commissioners shall fix and approve; and shall be made and constructed at the expense of the person requiring the same.

137. The communication-pipes and all fittings thereon leading water from the service pipes of the Commissioners into any house or land, and the pipes, works, and fittings inside the house or land, must in all cases be executed subject to the inspection and to the satisfaction of the Commissioners.

Communication-pipes, &c, must be made to satisfaction of officer of the Commissioners.

Such communication-pipes, works, and fittings may be made by the servants and workmen of the Commissioners upon such terms as may be agreed upon between the Commissioners and the

person requiring the supply, or subject to such charges as may be fixed by the Commissioners;

and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed;

and such charges and expenses shall be recoverable in the same manner as the water-rate.

Power to enter premises.

138. The officer authorized in that behalf by the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works, and fittings connected with the supply of water, and to ascertain if there be any waste or misuse of such water;

and if such officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination as aforesaid, the Commissioners may forthwith turn off the water from such house or land.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

When pipes are out of repair, Commissioners may turn off water.

139. In the event of any pipes, works, or fittings connected with the supply of water to any house or land being at any time found on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause any waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover the expense incurred for turning off the water from the occupier of such house or land.

Water may be cut off on neglect to pay the rate.

140. If any person supplied with water shall neglect to pay the water-rate hereinbefore mentioned at any of the times of payment thereof, or the charge made for the said water when supplied for other than domestic purposes, the Commissioners may

turn off the water from the house or land in respect of which such rate or charge is payable, by cutting off the pipe to such house or land, or by such means as the Commissioners may think fit, and may recover the expense of turning off the water from such person;

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may otherwise have incurred.

Occupier in whose house water is wasted liable to penalty.

141. The occupier of any house or land in which water supplied by the Commissioners under this Act is, from negligence or other circumstances under the control of the said occupier wasted, or in whose house or land the pipes, works, and fittings for the supply of water shall be found to be out of repair to such an extent as to cause any waste of water, shall be liable to a fine not exceeding twenty rupees.

Person causing waste of water liable to penalty.

142. Any person causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees.

Commissioners at their discretion may allow person outside the Town to take water.

143. It shall be within the discretion of the Commissioners to allow any person not residing within the limits of the Town to take or be supplied with water for his domestic use on such terms as the Commissioners in meeting, other than an ordinary meeting, may from time to time prescribe. And any person taking or causing to be taken for use outside the limits of the Town water supplied by the Commissioners, without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees.

Penalty.

Person executing any work for laying on water must hold a license from the Commissioners.

144. It shall not be lawful for any person to execute any work in connection with the laying on of water from any service pipes of the Commissioners to any house or land unless he shall hold a license from the Commissioners authorizing him to act as a plumber under such rules and regulations as the

Commissioners may from time to time lay down, and which shall be printed on the back of his license. Any person licensed by the Commissioners as a plumber, who shall infringe or break any rules or regulations under which he holds his license, shall be liable to have his license at once cancelled by the Commissioners, and shall also be liable to a fine not exceeding twenty rupees.

Penalty.

145. Any owner or occupier of any house or land who shall cause or allow works, pipes, or fittings for the supply of water from the service pipes of the Commissioners to be executed by any person other than a plumber licensed by the Commissioners shall not be entitled to demand a connection with the Commissioners' service pipes.

Owner or occupier when not entitled to demand a connection with the Commissioners' service pipes.

146. Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned by the Commissioners, the Engineer of the Commissioners shall cause all the works, pipes, and fittings within the said house or land to be inspected by a duly qualified officer; and the cost of such inspection shall be payable in advance at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct, by the person applying for the said connection; and until the Engineer of the Commissioners shall have certified that the said works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

Before connection, Engineer of the Commissioners to cause all works and pipes to be inspected.

147. The connection with the service pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person; and the expense of making such connection shall be payable in advance by the person applying for the same at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct.

Connection with service pipes to be executed only by an officer of the Commissioners.

Penalty on licensed plumber who executes works badly.

148. If any licensed plumber shall execute any works or put up any fittings within any house or land for the supply of water from the pipes of the Commissioners in a careless and negligent manner, or make use of bad materials or fittings, the said licensed plumber shall be liable to a fine not exceeding twenty rupees, and upon a third conviction shall be liable to have his license cancelled at the discretion of the Commissioners.

Obstructing or diverting water.

149. Any person who shall unlawfully flush, draw off, divert, or take water from any water-works belonging to, or under the management or control of, the said Commissioners, or from any water or streams by which such water-works are supplied, shall be liable to a fine not exceeding one hundred rupees.

Power to require owner to provide works for water-supply.

150. Any occupier holding direct from the owner of any house may, by notice in writing signed by him, require the owner of such house to perform all such necessary works as may be required for bringing into such house a supply of water for domestic use.

Every such notice shall contain an agreement on the part of such occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of such works during the residue of his term of occupation.

Provided that, if the house and the premises belonging thereto shall not abut upon some street in which there is a supply-main, such occupier shall, in the agreement, undertake to pay the cost of connecting the house with the nearest supply-main.

Power to occupier to make works in default of owner.

151. If any owner shall not, within the space of three months from the service of such notice as is mentioned in the last preceding section, cause such necessary works as aforesaid to be completed, the occupier, who shall have given such notice, may cause the same to be completed, and may deduct from the rent payable by him the cost of such works, save so much of such cost as may be incurred in connecting with a supply-main any

house and premises belonging thereto which may not abut upon a street in which there may be a supply-main; and such deduction shall be made by six equal monthly instalments.

Interest on each such instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem, from the time when it shall have been so deducted.

What works to be made for a house

152. The supply of water to a house shall not be deemed sufficient for domestic use unless it provides two taps in each floor of such house, one other such tap in the cookroom of or attached to such house, and one other such tap in the premises, or in or near the stables belonging to such house, and the necessary works for such taps.

But if the annual rent of such house, with the land attached thereto, shall be less than three hundred rupees, it shall be sufficient to provide one tap only within the said premises, and the necessary works for the same.

Estimate and specification of works to be sent

153. No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner.

Power to refer to arbitration.

154. In case there shall be any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer such difference to the Commissioners, and the written award of the Engineer of the Commissioners, or of any officer authorized by them in that behalf, shall be binding on the owner and the occupier.

Fee on reference.

155. There shall be payable to the Commissioners in respect of every such reference a fee at the rate of two rupees for every hundred rupees of the monthly rent of the house or land in respect of the water-supply to which the difference may have arisen:

Provided that such fee shall in no case exceed ten rupees, and shall be paid by the person making the reference.

156. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair.

Owner to keep works in repair.

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made previous to the commencement of this Act.

157. Any owner to whom any sum is payable under sections one hundred and fifty and one hundred and fifty-one may recover such sum from the person liable to pay the same as if the same were rent payable by such person for the house in respect of which the expenses have been incurred.

Power of recovery by owner of sums payable

158. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid, or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

Tanks, &c., vested in the Commissioners.

Water fouled by offensive trades.

159. If any person, being the proprietor of any gas-works,

or being engaged or employed in the manufacture or supply of gas,

or being the occupier or owner of any place where an offensive trade or manufacture is carried on,

wilfully does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners is fouled or corrupted, the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person;

and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of

such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be;

but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

Application of rates and monies received from the supply of water.

160. The water-rate and all monies collected, received, or recovered for or in respect of the supply of water or the execution of works, and all fines connected therewith, or in any respect relating to the water-supply, shall be applied by the said Commissioners in defraying the expense of making, extending, or maintaining the water-works,

in paying the interest of money borrowed for the water-works,

and in the liquidation of debts incurred in connection therewith, or for some other purpose connected with the supply of water.

CHAPTER VIII.

Of the Police Budget.

Commissioner of Police to prepare budget.

161. The Commissioner of Police shall, on or before the first day of September in each year, transmit to the Commissioners a budget or estimate of the expense of the police force for the year commencing on the first day of January then next ensuing.

Form of budget.

162. The police budget shall show the various heads of the estimated expenditure of the police force, and the intended distribution of the police force during the year to which it relates.

Chairman to lay the budget before the Commissioners.

163. The Chairman shall forthwith, upon the receipt of any such budget, cause the same to be printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House; and shall lay every such budget before the Commissioners

at the next quarterly meeting of the Commissioners, or at a special general meeting.

The Commissioners shall thereupon forward such budget to the Local Government, with such remarks as to them may seem fit, and it shall be in the discretion of the Local Government to pass, or to reject, or to modify, the estimates of all or any sums entered in the same.

Power to bring in a supplemental budget.

164. If during any period for which a police budget shall have been passed and submitted as aforesaid, it shall appear that the amount provided by such budget is insufficient to defray the necessary expense of the police force for such period, the Commissioner of Police may prepare a supplemental budget for such period, and the provisions of the three last preceding sections shall apply to such supplemental budget.

Amount of estimates to be paid to Government.

165. The amount of the estimates passed shall, after deducting therefrom such amount as may from time to time be allowed by the Government from the general revenues towards the maintenance of the police force, be paid to the Local Government, or to such officer as the Local Government may from time to time direct, by the Commissioners out of the annual proceeds of the police rate; and it shall not be lawful for the Commissioners to expend from the said proceeds any sums for purposes other than those provided in the budget of the Commissioner of Police, and duly sanctioned by the Local Government under section one hundred and sixty-three.

Commissioner of Police to give accounts of police expenditure.

166. On or before the first day of April in every year the Commissioner of Police shall present to the Chairman, to be laid before the Commissioners at their next monthly meeting, an account of the expense of the police force for the year ending the thirty-first day of December then next preceding, and in case the amount which shall during such year have been paid to the Local Government under the provisions hereinbefore contained shall not have been expended in the maintenance of the police force, the balance remaining unexpended shall be deemed to have been paid by the Commissioners in or towards discharging the expense of the police force during the ensuing year.

CHAPTER IX.

Of the System of Drainage for the Town and its Environs.

Commissioners to drain the Town.

167. The Commissioners may carry out such a complete system of sewerage and drainage within the Town as they may think fit, subject to the approval of the Local Government, and to such alterations as may from time to time be ordered by it.

Local Government may declare environs within the drainage system.

168. The Local Government may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof in the *Calcutta Gazette*, and for the purposes of the drainage-rate the land within such boundaries as aforesaid shall be deemed to be part of the Town.

CHAPTER X.

Of the Registration of Births and Deaths.

Commissioners may keep a register of births and deaths, and appoint registrars

169. The Commissioners shall keep in their office a register of all births and deaths in the Town, and for this purpose shall divide the Town into such and so many districts as they shall think fit, and for every such district shall appoint a person to be a registrar of births and deaths within such district; and the Commissioners shall at each burning ghât and native burial ground appoint a sub-registrar for the registration of all corpses brought to such burning ghât or burial ground for cremation or interment.

Every registrar to live in his district; list of registrars to be published, &c.

170. Every registrar shall dwell within the district of which he is registrar, and every sub-registrar shall dwell in the vicinity of the burning ghât or native burial ground for which he is appointed; and they shall cause their names, with the addition

of registrar for the district, or sub-registrar for the burning ghât or native burial ground for which they shall be so appointed, to be placed in some conspicuous place on or near the outer door of their own dwelling-houses; and the Commissioners shall cause to be printed and published a list containing the name and place of abode of every registrar and sub-registrar in the Town.

Commissioners to have register books prepared and numbered.

171. The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place in the Town, according to the forms prescribed in the eighth and ninth schedules, and the pages of such books shall be numbered progressively from the beginning to the end.

Registrar to inform himself of and register births and deaths.

172. Every registrar shall inform himself of every birth and of every death which shall happen in his district, and shall ascertain and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms in the eighth and ninth schedules respectively touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

Information of birth to be given within eight days.

173. The father or mother of every child born in the town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house in which such child shall have been born, shall, within eight days after the day of the birth, give information to the registrar of the district, according to the best of his or her knowledge and belief, of the several particulars by this Act required to be known and registered touching the birth of such child.

Information of death to be given.

174. Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the Town, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house, or if the occupier be the

person who shall have died, some person living in the house in which such death shall have happened, shall forthwith give information to the registrar of the district, or sub-registrar at the burning ghât or burial ground, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person.

Provided that, in lieu of the information hereinbefore stated, in the case of persons dying in any hospital, it shall be the duty of the medical officer in charge forthwith to send a notice in writing to the Commissioners in the form prescribed in the ninth schedule of the occurrence of any death in the hospital under his charge.

Penalty.

175. Any person whose duty it shall be to give information to a registrar or sub-registrar under the two last preceding sections, who shall refuse or neglect to give such information, or who shall give false information, shall be liable to a fine not exceeding twenty rupees.

Person giving information to sign the register.

176. Every person by whom the information contained in any register of births or deaths under this Act shall have been given shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it:

Provided that the registrar may fill up and sign the register for any person who is unable to write:

Provided further, that in the case of a person dying in any hospital the registration of the death shall be deemed to be complete on receipt by the Commissioners of the written notice from the medical officer in charge of the said hospital prescribed in section one hundred and seventy-four.

Corpse must be accompanied by a certificate before it is buried or burnt.

177. It shall not be lawful for any sexton, keeper of a cemetery, burial ground, or burning ghât to bury, burn, or allow to be buried or burned, any corpse, unless the said corpse is accompanied by a certificate in the form specified in the ninth schedule, and signed by a registrar or sub-registrar appointed under section one hundred and sixty-nine, or by a medical officer.

178. Whoever buries, burns, or allows to be buried or burnt, a corpse without the certificate mentioned in the last preceding section shall be liable to a fine not exceeding one hundred rupees.

Penalty.

OF TAKING A CENSUS.

179. At such times and in such manner as the Commissioners may from time to time appoint, an account shall be taken of the number of persons who at the time of taking such account shall be within the Town, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

Account of population to be taken.

180. The Chairman or Vice-Chairman shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Local Government, deem necessary; and the expenses thereby incurred shall be paid out of the Municipal Fund.

Chairman or Vice-Chairman to superintend the taking of an account of the population.

181. Each police division of the Town shall be formed into one or more enumeration districts.

Enumeration districts.

182. At such times as shall be appointed under section one hundred and seventy-nine, and as shall be notified in the *Calcutta Gazette* by the Local Government, every occupier of a dwelling-house, or of any part of a dwelling-house distinctly occupied, and every person to whom a form, as mentioned in section one hundred and eighty-four, may have been delivered, shall afford such information in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner as may under this Act be required of them.

At the appointed time occupiers of houses shall give the required information.

183. The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his district, and,

Persons to be employed as enumerators.

except as hereinafter provided, shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses within his district, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf.

Provided that, in the case of females, no account shall be taken either of their name or age

Forms for Census

184. The Chairman, when he deems such a course to be advisable, may cause such a form as shall be sanctioned by the Commissioners in meeting, subject to the approval of the Local Government, to be delivered to any occupier of any dwelling-house who may be able to write, and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to the person authorized to demand the same.

Military and naval officers and certain others if required, to act as enumerators

185. Any military or naval officers in command of bodies of military or naval men, or of vessels of war, or any master of a merchant vessel, or nacodah, or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, or any keepers of hotels or lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed.

Penalty

186 Whoever, being required under section one hundred and eighty-four to fill in any form, or under section one hundred and eighty-three to act as an enumerator, fails so to do, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

Returns of houseless persons.

187. The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Commissioners in meeting, returns of the particulars required by this Act with respect to all houseless persons and all persons who, during the said night immediately preceding the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

Enumerators to fill in for those unable to write.

188. The enumerators shall fill in all forms for those persons who are unable to write.

CHAPTER XI.

OF CONSERVANCY AND IMPROVEMENT.

PART I.—*Of the Streets.*

Public streets vested in the Commissioners.

189. All public streets in the Town (not being the property and kept under the control of the Government) and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in and belong to the Commissioners.

Power to make and improve streets.

190. The Commissioners, making due compensation to the owners and occupiers of any houses or land which may be required for any such purposes, may

(*a*) lay out and make new streets;

(*b*) build and construct new bridges;

(*c*) turn, divert, discontinue, or stop up any public street; and

(*d*) widen, open, enlarge, or otherwise improve any such street.

For the purposes of this section, the Commissioners in meeting may purchase any land necessary for houses and buildings to form any public street, or for the improvement of any public street.

191. The Commissioners shall, so far as the Municipal Fund permits, from time to time cause the public streets to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

Maintenance and repair of streets.

192. The Commissioners shall cause the public streets of the Town to be sufficiently lighted, and the sum applicable annually to the current expenses of lighting the said streets shall be the gross proceeds of the said lighting-rate and no more; but the Commissioners may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, cleaning and maintenance of lamps, lamp-posts, pipes, and other necessary apparatus.

Gross proceeds of lighting-rate to be applied for purposes of lighting.

193. The Commissioners shall cause the public streets to be regularly swept and cleansed; and the dust, dirt, filth, and refuse of every kind whatsoever found thereon to be collected and removed.

Cleansing streets

194. The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, filth, and refuse, arising from the ordinary domestic use of houses, may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in public streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in such receptacles and between such hours as they may from time to time direct.

Dust-boxes in streets.

195. Every person who, after such receptacles have been provided, and after such requisition as above mentioned, shall deposit, or cause or permit to be deposited, any such matter in any public street, except in such receptacles, shall be liable to a fine not exceeding ten rupees.

Penalty.

196. Whoever deposits, or suffers to be deposited, any dust, dirt, filth, or refuse of any kind whatsoever, in any public street, or on any public quay, jetty, ghât, or landing place, or on any part of the river bank,

Penalty for depositing dirt in public street, *etc.*

whether above or below high-water mark, except in such places, and in such manner, and at such hours, as shall be fixed by the Commissioners, shall be liable to a fine not exceeding ten rupees for every such offence.

Penalty for allowing sewerage to flow on streets.

197. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being in his house or land, to run, drain, or be thrown or put upon any street (public or otherwise), or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street (public or otherwise), shall be liable to a fine not exceeding ten rupees for every such offence.

Watering streets.

198. The Commissioners shall, so far as the Municipal Fund permits, and so far as they may deem requisite for the public convenience, cause the chief public streets to be watered; and for that purpose may provide such works and engines as they may think necessary.

Penalty for making obstructions in public streets.

199. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment in any public street, or in or over any drain, sewer, or acqueduct after the commencement of this Act, shall be liable to a fine not exceeding one hundred rupees; and the Commissioners shall have power to remove any such obstruction or encroachment, as also all walls, fences, rails, posts, or other obstruction or encroachment erected in any public street, or in or over any open drain, sewer, or aqueduct, subsequent to the first of June in the year one thousand eight hundred and sixty-three, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

Temporary erections on occasions of festivals, &c.

Nothing herein contained shall prevent the Commissioners from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or for building purposes.

Private persons laying out new streets.

200. Every person who wishes to make or lay out any new street shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street, and the level and width of

every such street shall be fixed or approved by the Commissioners;

and the Commissioners may, if they think fit, cause any such street laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid to be altered;

or may cause any house erected in any such street otherwise than in accordance with such level and width to be altered, or, if necessary, removed,

and the expenses thereby incurred shall be paid by the person offending.

If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioners within one month from the delivery of the aforesaid notice at the office of the Commissioners, the intended street may be laid out and made upon the level and of the width specified in the notice.

Penalty.

201. Whoever lays out, makes, or builds upon any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a fine not exceeding five hundred rupees.

Paving, &c., of streets.

202. If any street or any part thereof be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land fronting, adjoining, or abutting upon such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein:

and the expenses thereby incurred shall be paid by the owners in default according to the frontage of their respective lands, and in such proportion as shall be settled by the Commissioners or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses;

Provided that, after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewered on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the Municipal Fund.

Certain streets to be deemed public and repaired by the Commissioners.

203. If any street be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, if they think fit, and if three-fourths of the owners of houses in such street signify in writing their consent thereto, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by the Commissioners out of the Municipal Fund.

Names of public streets.

204. The Commissioners in meeting shall from time to time cause to be put up or painted on a conspicuous part of some house, wall, or place, at or near each end, corner, or entrance of every public street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

Penalty.

Numbers on houses.

205. The Commissioners may from time to time fix a number in a conspicuous place on the outer side of any house, or at the entrance of the enclosure thereof; and whoever destroys, pulls down, or defaces any such number shall be liable to a fine not exceeding twenty rupees.

Penalty.

Doors not to open outwards

206. All doors, gates, bars, and ground-floor windows (whether hung or placed before or after the commencement of this Act) which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction;

and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such public street, the owner of the house or land to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and if he neglects so to do, the Commissioners may make such alteration, and the expenses thereby incurred shall be paid by such owner.

Troughs and pipes to be fixed to houses.

207. The owner of every house in any public street shall, within fifteen days after notice from the Commissioners, put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such house, and for discharging the same in such manner as the Commissioners shall direct; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a fine not exceeding ten rupees for every day that he shall so make default.

Penalty.

Projections erected in future from houses to be removed

208. The Commissioners may give notice in writing to the owner or occupier of any house to remove or alter any projection, encroachment, or obstruction, which, after the commencement of this Act, shall be erected or placed against or in front of such house, or which has been so erected or placed subsequent to the first of June in the year one thousand eight hundred and sixty-three, and such owner or occupier shall, within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred rupees; and the Commissioners in such case may remove such projection, encroachment, or obstruction, and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier

shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house.

Removal of existing projections from houses.

209. The Commissioners may cause any projection, encroachment, or obstruction erected or placed against, or in front of, any house in any public street previous to the first of June in the year one thousand eight hundred and sixty-three, to be removed or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house against, or in front of, which such projection, encroachment, or obstruction shall be thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the right of any person to compensation when the right thereto is disputed and the amount thereof, or touching the amount of such compensation when the right thereto is admitted, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Notice of removal.

Compensation when to be made.

Commissioners may allow certain projections from houses.

210. The Commissioners may give permission in writing to the owners or occupiers of houses abutting on any public street or drain or sewer to put up verandahs, balconies, sunshades, weather-frames, and the like, to project from any upper story thereof over any public street or drain or sewer.

Roofs and external walls of huts not to be made of inflammable materials.

211. The external roofs and walls of huts or other buildings erected or renewed within the Town, after the commencement of this Act, shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building in or near any street (public or otherwise) now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other

building, to suffer such roof or wall to remain after the commencement of this Act unless with the consent in writing of the Commissioners; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a fine not exceeding ten rupees for every day that such roof or wall shall continue.

Penalty

212. The Commissioners may give notice to the owner or occupier of any house or land to trim or prune the hedges thereof bordering on any public street to a height not exceeding seven feet;

Commissioners may direct hedges to be trimmed.

or to cut and trim trees overhanging any public street and obstructing the same or causing damage thereto;

and if such notice is not complied with within three days from the date thereof, the Commissioners may cause such hedges and trees to be cut in the manner required, and the expenses thereby incurred shall be paid by the owner of the house or land.

213. No person shall deposit any building materials or make a hole in any public street without the permission of the Commissioners in writing; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed, until the materials are removed or the hole is filled up and otherwise made secure; and shall cause the same to be sufficiently lighted at night.

No one to deposit materials or make hole in a public street

214. Whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding fifty rupees for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

PART II.—*Of the Drains.*

Public sewers, drains, &c., vested in the Commissioners.

215. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the public streets, whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto shall become vested in the Commissioners.

Powers of Commissioners in making public sewers.

216. The Commissioners in making any main or other sewers for the drainage of the Town may, if necessary, carry such sewers through, across, or under any public street, or any place laid out as, or intended for, a street, or any cellar or vault which may be under any of the public streets, and (after reasonable notice in writing in that behalf) into, through, or under any land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise with respect to the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Commissioners to repair and alter and close sewers.

217. The Commissioners shall maintain, and from time to time repair, and, as they think fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers and drains vested in them:

and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary.

If by reason of anything done under this section any person is deprived of the lawful use of any sewer or drain, the Commissioners shall, at a place within one hundred feet of the sewer or drain of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Commissioners are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall as the Commissioners shall direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

Cleansing and emptying sewers

218. The Commissioners shall, so far as the Municipal Fund permits, cause the sewers and drains vested in them to be so constructed, maintained, and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied;

and, for the purpose of flushing, cleansing, and emptying the same, may construct and place, either above or underground, reservoirs, sluices, engines, and other necessary works;

and may also, with the sanction of the Local Government, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purpose as may be deemed most expedient, but so that the same shall not become a nuisance.

Bed of stream receiving sewerage to be cleared

219. When the contents of any sewer or drain, or any other flow of filth or refuse, are discharged into any river or stream in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Commissioners, with the sanction of the Local Government, so far as the Municipal Fund permits, shall make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of health or the annoyance of the surrounding population.

Unauthorized drains leading into public sewers may be demolished.

220. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit;

and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

Penalty for altering or making unauthorized drains leading into public sewers.

221. Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding two hundred rupees.

Commissioners empowered to make drains from houses which are not properly drained.

222. If any house or land within the Town, and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Commissioners are empowered to empty their sewers, be at any time not drained to the satisfaction of the Commissioners by sufficient drains or pipes communicating with some sewer, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay through or from such house or land, covered drains, or pipes of such materials, of such size, at such level, and with such fall, as they shall think necessary for the complete draining of such house or land;

and the expenses thereby incurred shall be paid by the owner.

Commissioners may construct certain portions of drains under public drains and streets.

223. The Commissioners themselves may construct and lay down such portions of the drains mentioned in sections two hundred and seventeen, two hundred and twenty-two, two hundred and twenty-five, and two hundred and twenty-six as may be carried through or under any public drain, aqueduct, or street, and the expenses thereby incurred shall be paid by the owner.

Supervision of certain works.

224. The Commissioners may cause the works mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

Group or block of houses, &c., may be drained by a combined operation.

225. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in

combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation:

and the expenses thereby incurred shall be paid by the owners of such houses in such proportions as shall to the Commissioners seem fit.

Sewers in streets to be covered with traps, &c.

226. All sewers and drains in streets (public or otherwise) shall be provided by the Commissioners or by the persons to whom they severally belong with proper traps or other coverings or means of ventilation, so as to prevent stench.

If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners, neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same;

and the expenses thereby incurred shall be paid by the owner.

Power of Commissioners to erect or affix to building pipes for ventilation of sewers

227. The Commissioners may erect on, or fix to, any house such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.

Branch-drains, privies, &c., to be under the control of the Commissioners, and to be kept in good order by owners.

228. All branch-drains, as well within as without the house or land to which they belong, and all privies and cess-pools within the Town, shall be under the survey and control of the Commissioners, and shall be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, and kept in proper order at the costs and charges of the owner of the house or land to which the same belong, or for the use of which they are constructed or continued;

and if the owner of any house or land to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice

in writing for that purpose, to alter, lay water to, connect with a sewer, repair, stop up, demolish, or put in good order the same, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, or put in good order;

and the expenses thereby incurred shall be paid by the owner.

Commissioners may alter any drain, &c., made contrary to their order.

229. If any branch-drain, privy, or cess-pool be constructed contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, rebuilds, or unstops any branch-drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool as they think fit;

and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, rebuilt, or unstopped.

Penalty for persons making or altering drains contrary to the orders of the Commissioners.

230. Whoever constructs any drain, privy, or cess-pool after the commencement of this Act contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, rebuilds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

Inspection of drains, privies, and cess-pools.

231. The Commissioners, or any officer authorized by them in that behalf, may inspect any branch-drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such drain, privy, or cess-pool is attached, may enter upon such house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be;

and if, upon such inspection, it appears that such drain, privy, or cess-pool is not in good order and condition, or that it has been constructed contrary to the provisions of this Act, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong;

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

Penalty for throwing rubbish into sewers.

232. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen, or stable refuse, or any broken glass or earthenware, or other rubbish, or, until suitable sewers shall be provided, any night-soil into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

No latrine to be constructed within fifty feet of a tank

233. No person shall, without the permission of the Commissioners in writing, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use. Any person upon whose land any latrine, urinal, cess-pool, house-drain, or other receptacle so situated shall be now existing or hereafter constructed, shall remove the same within forty-eight hours of the receipt of a written notice from the Commissioners.

Penalty.

234. Any person failing to comply with the notice mentioned in the last preceding section shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding three rupees, for every day that the latrine, urinal, cess-pool, house-drain, or other receptacle remains within the limits aforesaid.

PART III.—*Of General Conservancy.*

Removal of night-soil

235. The Commissioners from time to time may appoint—

(*a*) the hours within which night-soil or other offensive matter may be removed;

(*b*) the kind of cart or other receptacle in which it may be removed;

(*c*) the route by which such cart or receptacle shall proceed.

Penalty

236. When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street (public or otherwise) any such offensive matter at any time, except within the hours so fixed, and also, whoever at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel other than that approved and sanctioned by the Commissioners, or slops or spills any such offensive matter in the removal thereof, or

does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

places or sets down in any public place any vessel containing such offensive matter,

or drives or takes, or causes to be driven or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street (public or otherwise), or by any route other than that, from time to time, by public notice, appointed for that purpose by the Commissioners, shall be liable to a fine not exceeding twenty rupees for every such offence.

237. The Commissioners shall from time to time appoint or provide places for the deposit of dust, dirt, filth, and any other refuse whatsoever collected and removed in accordance with this Act;

Places of deposit for filth

and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act.

238. Whoever, being the occupier of any house or land, keeps or suffers to be kept any dirt, dust, filth, or refuse of any kind whatsoever for more than twenty-four hours, otherwise than in a proper receptacle, or suffers such receptacle to be in a filthy or noxious state, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty

239. All dirt, dust, filth, and any other refuse whatsoever, collected from the streets (public or otherwise), houses, privies, sewers, and cess-pools shall belong to the Commissioners, who may sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall form part of the Municipal Fund.

Filth and refuse to be the property of the Commissioners

240. If any house or land, by reason of abandonment, or of disputed ownership, or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons,

Power to shut up, secure, clear, and clean deserted houses

or become in a filthy or unwholesome state,

or be complained of by any two or more of the neighbours as a nuisance,

the Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming or believed to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the house or some conspicuous part of the land requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same;

and if such notice shall not be complied with within eight days, the Commissioners shall cause the necessary work to be executed, and the expenses thereby incurred shall be paid by the owner, or, in case of abandonment or disputed ownership, by the sale of any materials found upon such house or land, and the provisions of section two hundred and sixty-seven shall be applicable to such sales.

Common necessaries.

241. The Commissioners may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals, and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

Licensing of public necessaries and tola mehters' depôts.

242. The Commissioners may license, for any period not exceeding one year, such necessaries for public accommodation and such tola mehters' depôts as they may, from time to time, think proper; and may at any time, on giving one month's notice, cancel any license granted under this section, if it shall seem proper to them to cancel it.

No person shall carry on the business of a tola mehter without obtaining a license from the Commissioners.

Penalty.

243. Whoever keeps any public necessary or any tola mehters' depôt without a license as mentioned in the last preceding section, or, having a license, suffers such public necessary or tola mehters' depôt to be in a filthy or noxious state, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence; and whoever shall carry on the business of a tola mehter without obtaining a license from the Commissioners shall be liable to a fine not exceeding twenty rupees.

Commissioners may direct performance of duties usually performed by mehters.

244. The Commissioners in meeting, other than an ordinary meeting, may, by advertisement in at least two of the daily newspapers published within the Town and by placards posted up in conspicuous places throughout the Town, or any portion thereof,

declare that the duties usually performed by tola mehters within the boundaries specified in the aforesaid advertisement shall be performed by an establishment under the control of the Commissioners, and the Commissioners shall make suitable provision accordingly.

When the Commissioners have made such provision, the occupier of any house or land in respect of which such duties are performed shall be liable to pay in respect of the same such fees as may be imposed by the Commissioners in meeting, other than an ordinary meeting, and the said fees shall be recovered from such occupier as a rate under Chapter VI.

Neglecting to enclose private privy

245. The owner or occupier of any land having a privy on it shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood: and no person shall keep a privy with a door or trapdoor opening on to any street (public or otherwise) or drain.

Penalty

Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine not exceeding ten rupees, and to a further fine, not exceeding five rupees, for each day the offence is continued after he has been convicted of such offence.

Provided that the Commissioners may, in their discretion, permit the continuance, for such time as they may fix, of any such privy with a door or trapdoor opening on to any street (public or otherwise) where such privy already exists and does not create a nuisance.

Commissioners may cause additional privies to be provided for any land

246. If the Commissioners think that any privy or additional privy should be provided for any house or land, the owner of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, cause such privy, together with the necessary pipes, drains, and water-supply, to be constructed in accordance with the requisition of such notice; and if such privy be not so constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause such

privy, together with the necessary pipes, drains, and water-supply, to be so constructed, and the expenses thereby incurred shall be paid by the owner.

Milkman, &c, not to keep animals or cattle without license.

247. No milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, shall keep any animals, sheep, goats, or horned cattle within the Town for the purposes of trade or business, except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, on the first day of January and the first day of July in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit, and to impose a fee not exceeding five rupees in respect of the same.

Penalty.

248. Whoever, being a milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, keeps any animals, sheep, goats, or horned cattle without such license, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty

249. Whoever, being the holder of a license under section two hundred and forty-seven, breaks the conditions of such license shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Regarding pig-styes, sheep, and cattle

250. No person shall keep any pig-stye within the Town to the front of any street (public or otherwise) not being shut out therefrom by a sufficient wall or fence, and no person shall keep within the Town, without the permission of the Commissioners, more than ten pigs or more than twenty sheep or goats.

Penalty.

251. Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty

rupees, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners breaking up street to restore the same with all convenient speed.

252. When the pavement or surface of any public street, or when any sewer or drain, shall be opened or broken up by the Commissioners, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall in the meantime cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

Situation of gas and water-pipes may be altered by the Justices.

253. If the Commissioners deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any street (public or otherwise), they may, from time to time, by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners direct.

Alteration not to permanently injure works, and to be done at Commissioners' expense

Such alteration shall not be such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong as to all other persons.

Settlement of disputes.

And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

254. If the person to whom any such pipes or works as are mentioned in the last preceding section belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of the notice mentioned in the last preceding section, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be made.

255. The Commissioners may, at their discretion, set apart any public ghât or place (not being private property, or part of the river or river bank of the Port of Calcutta) for the purpose of being used as a bathing place;

provide or set apart a sufficient number of convenient tanks, or runs of water, for the inhabitants to bathe in;

and set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

Commissioners may set apart bathing places, &c.

256. Whoever bathes in any public place, except the places provided or set apart under the last preceding section, shall be liable to a fine not exceeding fifty rupees.

Penalty.

257. When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Commissioners to be injurious to health or to be offensive to the neighbourhood, the Commissioners may require, by notice in writing, the owner of the same to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during one month from the service thereof, the Commissioners, their officers, and workmen, may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit;

and the expenses thereby incurred shall be paid by the owner.

Power to fill up unwholesome tanks, &c., on private premises.

258. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

259. The Commissioners may from time to time, as they shall think fit, drain off into any sewers belonging to them, and cleanse or fill up any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

Power to drain off and cleanse unwholesome tank, &c, on private premises.

260. The Commissioners, in executing any works under this Act, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works;

Commissioners in executing works to provide proper drains, &c.

and if any difference arises between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

261. The Commissioners shall, during the construction or repair by them of any of the streets, sewers, or drains vested in or belonging to them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses;

Bars to be erected across streets during repairs, and lights placed at night

and shall cause such bars, chains, or posts to be fixed across or in any street (public or otherwise), to prevent the passage of carriages, carts, cattle, or animals, while such works are carried on, as to them shall seem proper;

and shall cause any sewer, or drain, or other works in streets (public or otherwise), during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night.

Dangerous places near streets to be repaired or enclosed.

262. If any building, tank, well, or hole, or other place be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Commissioners may, by notice in writing, require the owner of the land to repair, protect, or enclose the same; and if he fails to comply with such requisition during eight days from the service thereof, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom;

and the expenses thereby incurred shall be paid by the owner of the property so repaired, protected, or enclosed.

Penalty.

263. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART IV.—*Of Building Regulations.*

Houses may be set forward for improving lines of public streets.

264. The Commissioners may, upon such terms as they shall think fit, allow any house to be set forward for improving the line of any public street in which such house is situated.

Houses projecting beyond line of street when taken down to be set back.

265. When any house, any part of which projects beyond the regular line of a public street, or beyond the front of the house on either side thereof, has been taken down in order to be rebuilt or altered, the Commissioners may require the same to be set back to, or towards, the line of the street or the line of the adjoining houses.

Provided that the Commissioners shall make full compensation to the owner of any such house for any damage he may thereby sustain; and if any dispute shall arise touching the amount

of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

House in a ruinous and dangerous state.

266. If any house, or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or to the neighbouring houses, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of such house, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, repair, or secure, such house, wall, or thing affixed thereon, as the case shall require.

If owner does not take house down, Commissioners may do so.

If such owner or occupier do not begin to take down, repair, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and the expenses thereby incurred shall be paid by the owner.

Sale of materials of ruinous houses.

267. If any such house or wall as is mentioned in the last preceding section, or any part of the same, be taken down as in such section mentioned, the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any surplus arising from such sale to the owner of such house or wall on demand.

The Commissioners shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to them for compelling the payment of the whole of the said expenses.

Notice of new buildings to be given to the Commissioners.

268. Before beginning, within the Town, to build or rebuild any house, the person intending to build or rebuild such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

Commissioners to signify disapproval within fourteen days.

269. Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or, if they disapprove thereof, they shall fix other levels and width of foundation in lieu thereof within the same time.

Houses built without notice, or contrary to provisions of this Act, may be altered by the Commissioners.

270. If such building as is mentioned in section two hundred and sixty-eight be begun or made without sending such notice and plan as are mentioned in the said section, or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require;

and the expenses thereby incurred shall be paid by the person failing to comply with the provisions aforesaid.

If Commissioners fail to signify approval, &c., within fourteen days, parties may proceed without.

271. If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or rebuild the house therein referred to according to the levels and width of foundation shown on such plan:

Provided that such building or rebuilding be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

Hoards to be set up during repairs

272. Every person intending to build or take down any house, or to alter or repair the outward part of any house, where any public street will be obstructed or rendered inconvenient by means of such work shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the street, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

Penalty.

273. Every person who begins to build, or to take down, or alter, or repair any house contrary to the provisions of the last preceding section, or who, without license, erects or sets up any hoard, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition, or who does not, while the said hoards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Commissioners within eight days, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

House over sewers &c., not to be erected without consent of the Commissioners.

274. No house shall be newly erected over any sewer or drain belonging to the Commissioners without their written consent;

and if any house be so erected, the Commissioners may cause such house to be pulled down or otherwise dealt with as they may think fit;

and the expenses thereby incurred shall be paid by the person so erecting the house.

Level of houses hereafter built within the Town.

275. No house shall be built within the Town upon a lower level than will allow of the drainage of such house or building being led into some public sewer then existing or projected, or into some tidal river or other place into which the Commissioners are empowered to empty their sewers.

Houses hereafter built to have drains constructed under the orders of the Commissioners.

276. If any house newly erected or rebuilt within the Town have such means of drainage as in the last preceding section mentioned existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house of such materials, of such size, at such level, and with such fall as the Commissioners may direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

Erection of new huts to be under the control of the Commissioners.

277. It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing at the commencement of this Act, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built, so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest public street.

Power to direct removal of huts built without notice.

278. If any such huts or sheds be built without giving such notice to the Commissioners, or otherwise than as required by the Commissioners, the Commissioners may give notice to the owner or occupier thereof, by affixing a notice to some conspicuous part of some one of such huts or sheds, to take down and remove the

same within one month, or to effect such alterations as they may deem necessary; and it shall be lawful for the Commissioners, if they shall think fit so to do, to cause the same to be taken down and removed; and the expense incurred thereby shall be paid by the said owner or occupier thereof, and shall be recoverable as hereinafter provided.

Penalty.

279. Whoever erects a hut, or any range or block of huts or shed, or adds to any hut or shed, or to any range or block already existing, contrary to the provisions of section two hundred and seventy-seven, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART V.—*Of Sanitary Measures with regard to Blocks of Huts.*

Power of Commissioners as to inspection of huts.

280. Whenever the Commissioners in meeting, other than an ordinary meeting, are satisfied, from inspection, or by report of competent persons, that any existing block of huts in the Town is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Commissioners may cause notice to be served.

281. On receipt of the said report, the Commissioners in meeting, other than an ordinary meeting, may cause a notice to be served upon the owners or occupiers of the huts, or, at the option of the Commissioners, the owner of the land on which

such huts are built, requiring them to carry out and execute within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

Commissioners may carry out works if owners or occupiers refuse.

282. If, after the service of the said notice, such owners or occupiers, or the owner of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof respectively, to be executed; and the expenses thereby incurred shall be paid by the owner of the land.

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the Commissioners in meeting, other than an ordinary meeting, may order the expenses so incurred to be recovered by instalments from the said owner, or, if it should appear to them that the said owner is unable by reason of poverty to pay the same, may order the same, or any portion thereof, to be paid out of the Municipal Fund.

Sale of huts.

283. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent court for the payment of the same.

The Court of Small Causes shall be deemed a competent court for that purpose.

If Commissioners fail to act, Local Government may take steps.

284. In case the Commissioners should omit to take any action under sections two hundred and eighty or two hundred and eighty-one, or in the opinion of the Local Government should fail to give effect to the provisions thereof, the Local Government may cause any block of huts to be inspected by the Sanitary Commissioner for Bengal, who shall make a report in

writing to the Local Government on the sanitary condition of the locality; and, in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Local Government may order Commissioners to serve notice on owners.

285. On receipt of the said report, the Local Government may order the Commissioners to serve a notice on the owners or occupiers of the huts, or on the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time, to be fixed by the Local Government for such purpose, all or any of the works specified in the said report, or any portion thereof respectively; and upon service of the said notice the Commissioners may proceed as provided in section two hundred and eighty-two, and shall be liable to all or any of the obligations imposed upon them by section two hundred and eighty-three.

If Commissioners make default in carrying out orders, Local Government may carry it out.

286. If the Commissioners make default in carrying out the said order of the Local Government, the Local Government may appoint some officer to perform the same, and such officer may exercise such of the powers conferred upon the Commissioners by sections two hundred and eighty-one and two hundred and eighty-two as are necessary for the execution of the said works, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and eighty-three; and the expenses incurred by such officer in the execution of the said works shall be paid by the owner of the land.

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the Local Government may order the expenses so incurred to be recovered by instalments from the said owner, or, if it should appear to the Local Government that the said owner is by reason of poverty unable to pay the same, may order the same, or any portion thereof, to be paid out of the Municipal Fund.

CHAPTER XII.

OF SANITARY MATTERS.

PART I.—*Of Slaughter-houses, food, drink, drugs, and offensive trades.*

No place shall be used as a slaughter house without a license from the Commissioners

287. No place shall be used as a slaughter-house within the Town or Suburbs, unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, other than an ordinary meeting, who may, at their discretion, from time to time grant such license.

Provided that no such license be granted by the Commissioners for the use of any place situated in the Suburbs as a slaughter-house without the permission in writing of the Municipal Commissioners of the Suburbs, unless such place has been used as a slaughter-house before the commencement of this Act; and provided further that all fees levied by the Commissioners for licenses to use places situated in the Suburbs as slaughter-houses be paid by the Commissioners to the Municipal Commissioners of the Suburbs.

Commissioners to provide places for slaughter-houses.

288. The Commissioners in meeting, other than an ordinary meeting, may from time to time, if they shall think fit, provide places within or without the Town for the purpose of being used as slaughter-houses; and all places within or without the Town heretofore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section.

Provided that the Commissioners shall annually pay one thousand rupees to the Municipal Commissioners of the Suburbs by way of license fee for the slaughter-house established by the Commissioners at Tengrah.

Markets, slaughter-houses, &c, to be properly drained

289. Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house within the Town, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if

required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided sufficient for keeping such place or slaughter-house in a clean and wholesome state.

Penalty.

290. If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding fifty rupees for every day during which such default is continued.

Sale of unwholesome food or drink.

291. Any Justice of the Peace, on the application of the Commissioners or any of their officers, setting forth that there is just cause to believe that any article, which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold, or offered, or exposed for sale, may grant a warrant to enter upon the premises of such person and to search for and seize such article;

and if it appear to the said Justice of the Peace that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

Power to Commissioners to enter and inspect markets, shops, &c, and to seize unwholesome articles exposed for sale.

292. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

and if it appear to a Justice of the Peace that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

293. Any Justice of the Peace before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, the license granted to him under section two hundred and eighty-seven;

Suspension or revocation of license, &c.

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

294. Whoever, during the period for which any such license is suspended, or after the same is cancelled as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty for using slaughter-houses during suspension or revocation of license.

295. No place shall be kept for the sale of drugs, unless the same shall have been registered in the office of the Commissioners. Any keeper of such place failing to register the same within two months after the commencement of this Act, shall be liable to a fine not exceeding fifty rupees.

No place to be kept for the sale of drugs unless registered

296. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold; and if they have reason to suspect that any drug in the said place is adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt specifying the nature and quantity of the drug removed, and its approximate value; and if it appear to a Justice of the Peace that the said drug removed as aforesaid is adulterated as aforesaid, he may order the same to be destroyed or to be so disposed of as to

Inspection of drugs

him may seem fit; if it shall appear to the said Justice that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Justice to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

Compensation if drug be not adulterated.

If the drug removed as aforesaid is not brought before a Justice of the Peace, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug, and any dispute which may arise touching the amount of compensation to be given shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Certain offensive and dangerous trades carried on within the Town to be registered.

297. The owner or occupier of every place within the Town used for any of the following purposes, namely—

(*a*) melting tallow;

(*b*) boiling offal or blood;

(*c*) as a soap-house;

(*d*) oil-boiling house;

(*e*) dyeing-house;

(*f*) tannery;

(*g*) brick, pottery, or lime kiln;

(*h*) sago-manufactory;

(*i*) manufactory or place of business from which offensive or unwholesome smells arise;

(*j*) or as a yard or depôt for hay, straw, wood, or coal;

shall register the same at the office of the Commissioners in a book to be kept by them for that purpose.

No such trades allowed without license.

298. No place shall be newly used within the Town for any of the purposes mentioned in the last preceding section except under a license from the Commissioners, who may, at their discretion, from time to time grant such license.

299. Whoever, without a license, uses any such place for any such purpose, shall be liable to a fine not exceeding five hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence is continued after he has been convicted of such offence.

Penalty.

300. If it be shown to the satisfaction of the Commissioners that any place licensed under section two hundred and eighty-seven, or two hundred and ninety-eight, or registered under section two hundred and ninety-seven, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

Commissioners may in certain cases order the use of slaughter-houses and the carrying on of dangerous and offensive trades to be discontinued.

301. Whoever, after the expiration of such time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding one hundred rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

PART II.—*Of Burial and Burning Grounds.*

302. The Commissioners may, if they think fit, cause a survey and measurement to be made of every burial and burning ground, and every place used as such; and every burial and burning ground, and every place used as such, shall be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Commissioners, in a book to be kept by them for that purpose.

Burial and burning grounds to be registered.

303. Whoever uses any such place as is mentioned in the last preceding section without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

304. Whoever knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning ground, shall be liable to a fine not exceeding one hundred rupees.

Penalty.

305. No vault or grave shall be made within the walls of, or underneath, any church, chapel, or other place of public worship, and no burial or burning ground, whether public or private, shall be opened, made, or formed, otherwise than by, or under the authority of, the Local Government without a license, describing the extent and boundaries thereof, previously obtained from the Commissioners in meeting, other than an ordinary meeting, who may at their discretion, from time to time, grant such license.

No vault or burial or burning place henceforth to be constructed without leave of the Commissioners

306. Whosoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground opened, made, or formed without such license, or contrary to the terms thereof, shall be liable to a fine not exceeding five hundred rupees.

Penalty.

307. If the Commissioners in meeting, other than an ordinary meeting, with the sanction of the Local Government, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or that any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof;

Commissioners to issue certificates prohibiting the use of improper burial and burning places

or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any churchyard or burial ground adjacent thereto;

and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, no person shall, after a time (not less than two months) to be named in such certificate, bury or burn, or permit or suffer to be buried or burned, any corpse in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate.

Every such certificate shall be published in the *Calcutta Gazette*, and a translation thereof in Bengalee shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

Penalty.

308. Whoever, after due publication of such certificate, buries or burns, or causes, permits, or suffers to be buried or burned, any corpse contrary to the last preceding section, shall be liable to a fine not exceeding two hundred rupees.

Commissioners may in certain cases permit interment in churches, &c.

309. Notwithstanding any certificate under section three hundred and seven, where, by usage or otherwise, there is any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any churchyard, burial ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment, has been purchased or acquired, the Commissioners may, if, on application made to them, they are satisfied that the exercise of such right or the use of such ground will not be injurious to health, grant a license for such exercise or use during such time and subject to such conditions and restrictions as they may think fit.

Commissioners may provide places to be used as burial or burning grounds.

310. The Commissioners in meeting, other than an ordinary meeting, may from time to time, out of the Municipal Fund, with the sanction of the Local Government, provide fitting places to be used as burial or burning grounds.

CHAPTER XIII.

Of Markets.

Power to Commissioners to construct markets.

311. The Commissioners in meeting, other than an ordinary meeting, may from time to time, if they shall think fit, with the sanction of the Local Government, provide places within the Town for the purpose of being used as municipal markets, and the

Commissioners may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in such markets, and for the use of shops, stalls, and standings therein.

Recovery of fees.

312. All such rents, tolls, and fees which shall be imposed shall be recoverable by the Commissioners from the persons liable to pay the same as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI.

Power to Commissioners to acquire land for markets,

313. The Commissioners in meeting, other than an ordinary meeting, may from time to time, if they shall think fit, with the sanction of the Local Government, acquire land by purchase, lease, or otherwise, in order to provide places within the Town for the purpose of being used as municipal markets, and for the like purpose may purchase or take on lease any land now used within such limits as a market, or registered as such, upon such terms, or subject to such conditions as they may consider necessary, and may appropriate any land now vested in, or belonging to them, and may set out the whole or such parts thereof as they may think necessary for the purposes of such municipal markets, and thereupon from time to time may build and maintain such municipal markets and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting such municipal markets, and for the weighing and measuring goods sold in such municipal markets, and on such land as aforesaid, or on other land purchased for that purpose, and may make and maintain all such roads and approaches thereto as they may think necessary, and from time to time, in addition to the bye-laws provided in Chapter XVI, make such bye-laws as they may think fit for all or any of the following purposes :—

and to make bye-laws.

(*a*) for regulating the control and use of such markets, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto ;

(*b*) for preventing the use therein of false or defective weights, scales, or measures ;

(*c*) for preventing the sale, or exposure for sale therein, of unwholesome meat, fish, or provisions;

(*d*) for the establishment and publication of a price-current, and for prescribing the mode of sale of articles, whether by measure, weight, tale, or piece;

(*e*) for keeping such markets in a cleanly and proper state, and for removing filth and refuse therefrom.

Power to expel persons breaking regulations.

314. The Commissioners may expel from any such municipal market any person who, or whose servants, may be convicted of disobeying any bye-law made under the last preceding section, and may prevent such person, by himself or his servants, further carrying on any trade or business in such market, or occupying any stall or shop therein, and may determine any lease or tenure which such person may have in any such stall or shop.

Power to Commissioners to sell or let markets.

315. The Commissioners in meeting, other than an ordinary meeting, may sell or let to tenants on lease, or otherwise, on such terms as they may think fit, any municipal market, or any part thereof, and may do all things necessary for carrying the provisions of this section into effect.

Power to Commissioners to close markets, or to sell or let land formerly used as markets

316. The Commissioners in meeting, other than an ordinary meeting, may close any municipal market, or any part thereof, or sell, or let out to tenants, on lease or otherwise, any land heretofore used as a municipal market, or any part thereof, on such terms as they may think fit, and may do all things necessary for carrying the provisions of this section into effect.

Power to Commissioners to carry on markets.

317. The Commissioners in meeting, other than an ordinary meeting, may, out of the Municipal Fund and out of the monies borrowed under the provisions of this Act, and out of monies derived from the rents of buildings, stalls, pens, or standings in any municipal market, and from any fees realized from any municipal market, expend such sums of money as they may think necessary for the construction, maintenance, and keeping such municipal market in repair, and for any other purpose or

purposes which the Commissioners may deem necessary for establishing or carrying on the same, or conducive thereto.

Power to grant licenses for markets. Duration of licenses

318. It shall be within the discretion of the Commissioners in meeting, other than an ordinary meeting, to grant licenses for the use of any place as a market for the sale of meat, fish, fruit, and vegetables within the Town, and every such license shall be in force until the first day of January next ensuing the day therein named for the commencement thereof.

Nothing contained in this section shall be held to impose upon any person the obligation of taking out a license for a market which has been registered under section 6 of Bengal Act VIII of 1871.

Penalty for permitting unauthorized places to be used as markets.

319. Whoever wilfully or negligently permits any place within the Town (not being a market which has been registered under section 6 of Bengal Act VIII of 1871) to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence shall be continued after he has been convicted of such offence.

Power to close unlicensed place.

320. Whenever three convictions under the provisions of the last preceding section shall have been pronounced in respect of the same place within the space of one year, it shall be lawful for any Police Magistrate of Calcutta, on the application of the Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale meat, fish, fruit, or vegetables in any place which shall have been so closed, shall be liable to a fine not exceeding ten rupees.

Commissioners may define ways in bazars.

321. The Commissioners in meeting, other than an ordinary meeting, may define, fix, and determine what portions of any market or bazar within the Town shall be thrown into, and made part of, the existing approaches, roads, paths, and ways in such market or bazar for

the convenient use of persons resorting thereto; and shall signify the same by affixing, or causing to be affixed, in some conspicuous place or places in the market or bazar, a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways.

Commissioners may require works to be executed.

The Commissioners in meeting, other than an ordinary meeting, may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him, within a time to be specified therein, to execute the necessary works and take all necessary measures for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways;

and may, in case of such default by their servants and workmen, enter into and upon the said market or bazar, and clear, set out, and widen the said approaches, roads, paths, and ways, and the expenses thereby incurred shall be paid by the person on whom the notice has been served.

Commissioners may alter approaches.

The Commissioners in meeting, other than an ordinary meeting, may from time to time vary and alter the said approaches, roads, paths, and ways as occasion may require, signifying the same by a like notice.

Penalty.

Whoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for every day such obstruction or encroachment is continued after notice from the Commissioners to remove or discontinue the same.

Minimum of penalties

322. Whenever any person who shall have been convicted of any offence under this Chapter, or against any of the bye-laws made or to be made under this Chapter, in respect to markets, shall again be convicted of an offence against the same provision, the fine to be inflicted for the first of such subsequent offences shall not be less than one moiety of the maximum fine provided for such offence; and for the second and every subsequent offence shall not be less than such maximum fine.

CHAPTER XIV.

Of the General Powers of the Commissioners.

Part I.—*Of Rights of Entry.*

Power to enter upon houses and land for the purposes of this Act.

323. The Commissioners shall, for the purposes of this Act, have power, by themselves or their officers, between sunrise and sunset, to enter upon any house or land, as well for the purpose of making any inspection, survey, or measurement, as for the purpose of executing any work authorized by this Act to be executed by them without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done on such house or land in pursuance of this Act.

Provided that, except as herein otherwise provided, the Commissioners or their officers shall not enter upon any house or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intention to do so.

Power to Commissioners to enter on lands adjacent to works.

324. The Commissioners, or their officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof from time to time, and as often as any such temporary occupation shall be taken, or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land;

and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Provided that, before the Commissioners make any such temporary use as aforesaid of any land adjoining or lying near to the said works, they shall give three days' notice of such their intention to the owner and occupier of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

Powers to be exercised by the Commissioners when constructing drains and aqueducts without the town

325. For the purpose of laying pipes or constructing aqueducts for bringing water into the town from any place without the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course without the said limits, the Commissioners, their officers, and servants may, whenever a plan for laying down any such pipes, or constructing any such aqueduct, sewer, or drain, shall have been approved by the Local Government, exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain, are to run, all the powers which by this Act they may exercise within the Town, and which may be necessary for the laying of such pipes, or the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing;

and the Magistrate of any district through which the said pipes, aqueduct, sewer, or drain are to run, may exercise in respect thereof the like powers and jurisdiction within the limits of his own district as a Justice of the Peace may under this Act exercise in respect of any work to be executed by the Commissioners within the Town.

Penalty for obstructing persons employed by the Commissioners in their duty.

326. Whoever at any time obstructs or molests any person employed by the Commissioners (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom they may have contracted under the

provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a fine not exceeding two hundred rupees, or, in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two months.

PART II.—*Of the Purchase and Sale of Land.*

Commissioners may purchase, sell, and lease land for the purposes of this Act.

327. The Commissioners in meeting, other than an ordinary meeting, may purchase land, whether within or without the Town, for any of the purposes of this Act, and may sell any land vested in them and not required for the purposes of this Act, or may dispose of the same on lease; and the Commissioners may receive the rent of the same on such terms as they may think fit.

Commissioners may rent and take on lease land.

328. The Commissioners in meeting, other than an ordinary meeting, may from time to time pay rent for, or take on lease, on such terms as they may think fit, any land required for the purposes of this Act.

Land may be acquired under Land Acquisition Act.

329. Any land required for the purposes of this Act may be acquired under the provisions of the Land Acquisition Act, 1870, and on payment by the Commissioners, out of the Municipal Fund, of the compensation payable under such Act, the land shall vest in them for the purposes of this Act.

PART III.—*Of Railways.*

Power to construct railway.

330. The Commissioners in meeting, other than an ordinary meeting, may, upon any of the public streets in the Town, or upon any land within or without the Town, which is vested in the Commissioners, construct

or maintain any railway which to the Commissioners may appear to be useful or necessary for the purposes of this Act,

and use and employ upon any such railway, by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power, and such carriages and wagons to be drawn or propelled thereby,

carry and convey upon such railway all such passengers and goods as shall be offered to them for that purpose,

and make such reasonable charges in respect thereof, as they may from time to time determine upon.

Power to permit carriages to run on railway.

331. The Commissioners in meeting, other than an ordinary meeting, from time to time may enter into any contract with any person for the passage over any railway already constructed by the Commissioners, or hereafter to be constructed by them, of the engines, wagons, or other carriages of such person, upon the payment of such tolls or rent, and under such conditions and restrictions as may be mutually agreed upon.

Power to lease railway.

332. The Commissioners in meeting, other than an ordinary meeting, may lease any railway, constructed or to be constructed by them under the provisions hereinbefore contained, to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon; and every person to whom any such railway shall be so leased by the Commissioners shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same, and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the Commissioners would have had if such railway had not been leased.

The Commissioners in meeting, other than an ordinary meeting, may from time to time enter into any contract with any person for the purpose of the construction of any railway within or without the Town, and for the purpose of maintaining and working of the same.

PART IV.—*Of Hospitals.*

Power to support hospitals.

333. The Commissioners in meeting, other than an ordinary meeting, may apply such sum as to them may seem proper in or towards the maintenance and support of such hospitals for such purposes as they may think fit.

CHAPTER XV.

OF THE MUNICIPAL DEBT.

Power to Commissioners to borrow on the security of rates and taxes.

334. For the construction of works of a permanent nature under this Act, the Commissioners in meeting, other than an ordinary meeting, may, with the sanction of the Local Government, from time to time borrow by way of debenture, on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or of a portion of them, and at such rate of interest and upon such terms as to the time of repayment and otherwise as the Local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

Form of security.

335. All the debentures aforesaid issued under the authority of this Act shall be in the form contained in the seventh schedule, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Payment of monies due on old debentures by issue of fresh debentures.

336. The Commissioners in meeting, other than an ordinary meeting, may at any time, with the sanction of the Local Government, raise, by the issue of new debentures, any money that may be required to pay any monies for the time being due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed.

337. The Commissioners shall set aside yearly out of their annual income, before making any disbursements in respect thereof,

Establishment of reserve fund.

firstly, such sum as may be required for the payment of the interest which may fall due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed;

secondly, a sum of not less than two per cent. on the total sum borrowed by the Commissioners for the purposes of any enactment hereby expressly repealed, exclusive of the sum now due, or of any sum which may hereafter become due, by them to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year

And they shall invest the surplus (if any) of the said sum, after repayment as aforesaid, or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in Government securities, or in any securities guaranteed by Government, or in Calcutta municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of Bengal respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the several loans contracted or debentures issued by the Commissioners.

Surplus to be invested

And all moneys and securities now held by any Trustees for the Commissioners for the purpose of paying off any sum borrowed by them, shall be held by them upon the trusts hereinbefore declared.

All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust.

338. The Trustees shall from time to time, whenever any loans or debentures shall fall due by the Commissioners, realize the whole or a sufficient portion of the securities held by them as aforesaid, and

Appropriation of reserve fund

appropriate the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures.

Account of reserve fund.

339. The Trustees shall, at the end of every year, submit a statement to the Commissioners showing the amount which has been invested during the year under section three hundred and thirty-seven, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans.

Such statement shall be laid before the Commissioners and published in the *Calcutta Gazette.*

CHAPTER XVI.

Of Bye-Laws.

Power to make bye-laws.

340. The Commissioners may from time to time make bye-laws, not inconsistent with the provisions of this Act, to regulate—

(*a*) all matters and things connected with the supply and use of water;

(*b*) the time and places of bathing for persons of each sex in places provided or set apart for bathing purposes;

(*c*) the deposit of dirt, dust, filth and refuse of any kind whatsoever, the removing and carrying away the same, and charging the person making the deposit with the expenses of removing it;

(*d*) the duties to be performed by tolah mehters under section two hundred and forty-four, and the boundaries within which they are to be performed;

(*e*) the management and charges for places provided for slaughter-houses under section two hundred and eighty-eight;

(*f*) the inspection and management of, and conduct of, business in markets and slaughter-houses, and the keeping the same in a proper and cleanly state;

(*g*) the inspection of places used for any of the purposes mentioned in section two hundred and ninety-seven, and the management and conduct of business within the same;

(*h*) the inspection and management of burial and burning grounds;

(*i*) and generally for carrying out the purposes of this Act.

And to repeal or alter them.

341. The Commissioners may from time to time repeal, alter, or add to their bye-laws.

Bye-laws and alterations of them to be confirmed by Local Government.

342. No bye-law, and no repeal or alteration of, or addition to, any bye-law shall have effect until the same has been confirmed by the Local Government.

Bye-laws and alterations of them to be published before confirmation.

343. No bye-law, and no repeal, or alteration of, or addition to, any bye-law shall be confirmed until the same has been published in the English and Bengalee Government Gazettes at least three times, nor till one month has elapsed from the date of the first publication, during which period a copy of such proposed bye-law, or the repeal or alteration of, or addition to, any bye-law shall be kept at the office of the Commissioners; and all persons may at any time between ten o'clock in the morning and five o'clock in the afternoon inspect such copy without fee.

After confirmation bye-laws to be published in Gazette.

344. Every bye-law, and every repeal, or alteration of, or addition to, any bye-law, when confirmed, shall be published in the English and Bengalee Government Gazettes, and a copy thereof in English and Bengalee shall be painted or placed on boards which shall be hung up in some conspicuous part of the office of the Commissioners.

Penalty.

345. Whoever infringes any bye-law made and confirmed under this Act shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

CHAPTER XVII.

Of Prosecutions.

Commissioners may direct prosecutions.

346. The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the punishment of any person offending against any of the provisions of this Act, and for the recovery of any fines imposed under this Act, and may order the expenses of such prosecutions and proceedings to be paid out of the Municipal Fund.

Provided that nothing herein contained shall preclude any person from instituting a prosecution for nuisance, or from giving information and instituting a prosecution under the next succeeding section.

Prosecutions to be before a Justice of the Peace

347. Every prosecution under this Act, except as provided in section three hundred and forty nine, may be instituted before any Justice of the Peace;

and every fine imposed under this Act may be recovered by a summary proceeding before any Justice of the Peace upon an information exhibited by order of the Commissioners,

and in default of payment of such fine, the same may be levied under the warrant of such Justice of the Peace by distress and sale of the moveable property of the offender, with all such powers for the issuing of such warrant, and upon the return thereof, as are exercised by a Magistrate of Police under the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the Police of the Town of Calcutta.

And if the fine cannot be so levied, the offender may be punished by such Justice of the Peace with rigorous or simple imprisonment, as defined in section 53 of the Indian Penal Code, for a term not exceeding two months.

Procedure on prosecution

348. Whenever any prosecution shall be instituted before any Justice of the Peace under this Act, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such

person shall not so appear, such Justice of the Peace may, upon proof of service of the summons, if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

Such Justice of the Peace may exercise all such powers connected with the summoning and enforcement of the attendance of witnesses and the production of documents as are conferred on a Magistrate by the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the procedure of the Police Magistrates' Courts in Calcutta.

Prosecution under section forty-one to be instituted as under Penal Code.

349. Every prosecution under section forty-one shall be instituted before such Magistrate or Court as would have jurisdiction to entertain a charge of the nature described in section 161 of the Indian Penal Code.

How a Justice may award a fine.

350. The Justice of the Peace by whom any fine is imposed under this Act may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder, or, if he make no award to the informer, the whole of such fine to be paid to the Municipal Fund.

Complaint to be made within two months of the offence.

351. No person shall be liable to any fine under this Act for any offence cognizable by a Justice of the Peace unless the complaint respecting such offence shall have been made before a Justice of the Peace within two months next after the commission of such offence:

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

Person doing damage to the property of the Commissioners to make good the same.

352. If, through any act, neglect, or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such fine;

and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom such person has been fined;

and on default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

CHAPTER XVIII.

Of the Recovery of Damages and Expenses

Damages and expenses how to be determined.

353. Where any damages, costs, or expenses are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by the Court of Small Causes.

Provided that, when any work is executed by the Commissioners under this Act in default of the owner or occupier of the house or land doing such work, the expenses thereby incurred may be recovered by the Commissioners as a rate under Chapter VI.

Method of proceeding before a Judge of a Court of Small Causes

354. In any case which is to be determined by the Court of Small Causes under this Act, the said Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the said Court may hear and determine such question, and, for that purpose, may examine such parties, or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of the said Court, which shall determine the amount thereof.

Recovery of damages by distress

355 If the amount of damages, costs, or expenses ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered, under a warrant of the said Court, by distress and

sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

Commissioners may sue in any competent Court instead of realizing by, or on failure of, distress

356. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER XIX.

MISCELLANEOUS.

Limitation of three months to suit against Commissioners or their officers.

357. No suit shall be brought against the Commissioners, or any of their officers, or any person acting under their direction, for any thing done under this Act until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after accrual of the right to sue, and not afterwards.

If any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

358. The Commissioners may make compensation out of the Municipal Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers or servants, under this Act.

Payment out of Municipal Fund for damage done by the Commissioners.

359. When any license is granted under section two hundred and forty-two, or two hundred and eighty-seven, authorizing the use of any place for any of the purposes therein described, and when permission is given under section two hundred and ten for putting up any projection, the Commissioners may charge a fee not exceeding one hundred rupees for such license or permission.

Fees for licenses under sections 242 and 287, and for permission given under section 210.

When permission is given under section one hundred and ninety-nine to make any temporary erection, the Commissioners may charge a daily fee not exceeding one hundred rupees for such permission.

Daily fee for permission given under section 199.

360. When permission is given under section two hundred and thirteen or section two hundred and seventy-two, the Commissioners may charge rent for any land made use of in pursuance of such permission.

Rent may be charged for permission given under sections 213 and 272.

361. Every person to whom a license has been granted under this Act shall, at all reasonable times while such license shall remain in force, if thereunto required by the Commissioners, or by any person authorized by them in that behalf, produce such license to the Commissioners or to the person so authorized.

Every person to produce license if required.

362. Whoever fails to produce his license when required to do so as aforesaid shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

363. Every notice, bill, form, summons, or notice of demand under this Act may be served personally on, or presented to, the person to whom the same is addressed.

How notice, &c., may be served.

or be left at his usual place of abode with some adult male member or servant of his family, or at his place of business with some clerk of the office,

or if it cannot be so served or presented, may be put on some conspicuous part of his place of abode,

or of his place of business,

or of the house or land in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

Service of notice on owners and occupiers of houses and land

364. Where any notice is required to be given to the owner or occupier of any house or land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such house or land, or otherwise in the manner in the last preceding section mentioned.

Provided that, whent he owner and his place of abode are known to the Commissioners, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any house or land to be served on such owner or left with some adult male member or servant of his family,

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and the same shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the house or land in respect of which the notice is served.

Commissioners, in default of owner or occupier, may execute works and recover expenses

365. Whenever any work is required by this Act to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the Commissioners, whether any penalty is or is not provided for such default, may cause such work to be executed;

and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and in default of payment thereof the same may be recovered as a rate under Chapter VI.

Power to levy charges on occupier, who may deduct the same from his rent.

366. If the defaulter, as mentioned in the last preceding section, be the owner of any house or land, the Commissioners may, by way of additional remedy, whether any suit or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or at any time thereafter, occupies the house or land under such owner, and in default of payment thereof by such occupier on demand, the same may be recovered as a rate under Chapter VI;

and every such occupier shall be entitled to deduct from the rent payable by him to the owner so much as is so paid by, or recovered from, him in respect of any such expenses.

Occupier not to be liable for more than the amount of rent due.

367. No occupier of any house or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the house or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon a requisition made to him for that purpose by the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable;

but nothing in this section shall affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

368. Whenever default is made by the owner of any house or land in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

369. If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of any house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace may, in writing, require such occupier to permit the owner to execute all such works with respect to such house or land as may be necessary for carrying this Act into effect;

Proceedings in case of tenants opposing the execution of this Act.

and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, every such owner, during the continuance of the refusal, shall be discharged from liability to any fines to which he might otherwise have become liable by reason of default in executing such works.

370. Whoever, being the occupier of any house or land, fails to comply with any requisition made by a Justice of the Peace under the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

371. No tax or rate on property made under this Act shall be invalid for defect of form, and it shall be enough in any such tax or rate, or any assessment of value for the purpose of making such tax or rate, if the property rated or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Formal defects not to invalidate tax or assessment.

372. Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which under sections two hundred, two hundred and seventy-four, two hundred and seventy-six, and two hundred and seventy-eight, the owners of any houses or lands are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as

Recovery of expenses on account of improvements to private property.

will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per centum per annum, within a period not exceeding five years, and such sums, when due, may be recovered as rates under Chapter VI.

Police officers to report offences to Commissioners and to arrest unknown offenders.

373. All police officers shall give immediate information to the Commissioners of any offence committed against this Act.

Any police officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the police officer shall have reason to doubt the accuracy of such name and address, if given.

And such person may be detained at the station-house until his name and address shall be correctly ascertained, or may be brought up at once before a Justice of the Peace

Certain provisions of this Act extended.

374. If the Local Government shall have determined that any portion of the environs of the Town shall be included in the system of sewerage and drainage authorized by this Act, and if the Local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then sections two hundred and fifteen to two hundred and thirty-four, both inclusive, shall have effect within the boundaries so declared;

and all such expenses and compensation as, under the said sections and by the provisions of this Act, may be determined by the Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such boundaries; and all fines payable in respect of such sections, and under this Act, shall be enforced in the manner prescribed by section 307 of the Code of Criminal Procedure by the Magistrate having jurisdiction within such boundaries.

Houses used for public worship exempt from rates and taxes

375. Houses used exclusively for purposes of public worship shall be exempt from all rates and taxes which under this Act may be imposed upon houses and land within the Town.

Saving clause.

376. Nothing in this Act contained shall be construed to,

(*a*) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance:

(*b*) exempt any person guilty of nuisance from a suit in respect thereof:

(*c*) affect any enactment not hereby expressly repealed.

FIRST SCHEDULE.

BOUNDARIES OF WARDS.

(*See Section* 13.)

Ward No. 1.—Bounded on the north and east by Upper Circular Road and Mahratta Ditch; south by Grey Street; west by Upper Chitpore Road.

Ward No. 2.—Bounded on the north by the Mahratta Ditch; west by river Hooghly; south by Nimtollah Ghât Street; east by Upper Chitpore Road.

Ward No. 3.—Bounded on the north by Ooltadingee Main Road, the Mahratta Ditch, and Grey Street; south by Beadon Street and Halshi Bagan Road; west by Upper Chitpore Road; east by Mahratta Ditch.

Ward No. 4.—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Upper Circular Road and Mahratta Ditch; west by Cornwallis Street.

Ward No. 5.—Bounded on the north by Nimtollah Ghât Street; south by Cotton Street and Meerboher Ghât Street; east by Upper Chitpore Road; west by river Hooghly.

Ward No. 6.—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Cornwallis Street; west by Upper Chitpore Road.

Ward No. 7.—Bounded on the north by Cotton Street and Meerboher Ghât Street; south by Loll Bazar Street, Dalhousie Square, North, and Fairlie Place; east by Lower Chitpore Road; west by river Hooghly.

Ward No. 8.—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by College Street; west by Lower Chitpore Road.

Ward No. 9.—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by Upper Circular Road; west by College Street.

Ward No. 10.—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Wellington Street; west by Bentinck Street

Ward No. 11.—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Lower Circular Road; west by Wellington Street.

Ward No. 12.—Bounded on the north by Loll Bazar Street, Dalhousie Square, and Fairlie Place; south by Esplanade Row; east by Bentinck Street; west by river Hooghly.

Ward No. 13.—Bounded on the north by Dhurrumtollah Street; south by Kyd Street, Free School Street, and South Culinga Street; east by Wellesley Street; west by Chowringhee Road.

Ward No. 14.—Bounded on the north by Dhurrumtollah Street; south by South Culinga Street; east by Lower Circular Road; west by Wellesley Street.

Ward No. 15.—Bounded on the north by South Culinga Street; south by Theatre Road; east by Lower Circular Road; west by Wellesley Street and Wood Street.

Ward No. 16.—Bounded on the north by Kyd Street and South Culinga Street; south by Theatre Road; east by Wellesley Street and Wood Street; west by Chowringhee Road.

Ward No. 17.—Bounded on the north by Theatre Road; south by Lower Circular Road; east by Lower Circular Road; west by Jail Road.

Ward No. 18.—Bounded on the north by Clyde Row; south by Tolly's Nullah Road; east by Kidderpore Bridge Road; west by Strand Road.

SECOND SCHEDULE.

(*See Section* 65.)

TAX ON CARRIAGES AND ANIMALS.

	Per half-year.		
	Rs.	A.	P.
For every four-wheeled carriage drawn by two horses	12	0	0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.			
For every four-wheeled carriage drawn by one horse, or pony or mule, or a pair of ponies or mules under thirteen hands	6	0	0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.			
For every two-wheeled carriage ...	6	0	0
For every horse (*not a race horse*), pony, or mule	6	0	0
For every race horse	12	0	0
For every pony or mule under thirteen hands	2	0	0

NOTE.—Animals under eleven hands in height, and carriages, the wheels of which do not exceed twenty-four inches in diameter, are exempted.

THIRD SCHEDULE.

(*See Section* 75.)

License on Professions, Trades, and Callings.

Class I.

	Yearly. Rs.
Every Joint Stock Company	100

Class II.

Every merchant, banker, shroff, banian, wholesale trader, and commission agent, and every practising surgeon, physician, dentist, architect, civil engineer, builder, contractor, carrying company, barrister, attorney, proctor, notary public, and pleader of the High Court Every owner or farmer of a haut or bazar ... Every owner of cotton, jute, hide, or other screws, and every auctioneer .. ... Every hotel-keeper, boarding-house keeper, loding-house keeper, shop-keeper, plumber, gas-fitter, manufacturer, or retail trader, whose shop or place of business is assessed under Chapter V at one hundred rupees a month or upwards ...	50

Class III.

Every broker or dalall employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandize .. .. Every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills of exchange, and every freight broker	25

Class III.—(Continued.)

	Yearly. Rs.
Every practising licentiate of medicine, apothecary, and veterinary surgeon ...	
Every owner of a dispensary, spirit or liquor shop, or shop for the sale of intoxicating drugs, and punch-house or billiard room, wholesale tobacco or jute depôt	
Every owner of a steamferry-boat or cargo boat	
Every hotel-keeper, boarding-house keeper, lodging-house keeper, plumber, gas fitter, carriage and horse-dealer, shop-keeper, manufacturer or trader, whose shop or place of business is assessed under Chapter V at or above twenty-five rupees, but at less than one hundred rupees a month	25
Every pawn-broker, money-lender, and every person having a shop or place of business registered under section two hundred and ninety-one or licensed under section two hundred and ninety-two	
Every pleader, mookhtear, or law agent, not included in class II	

Class IV.

Every hotel-keeper, boarding and lodging-house keeper, owner of a carriage or a palanquin let out for hire, plumber, gas-fitter, band supplier, carrier, stamp vendor, carriage or horse-dealer, shop-keeper, manufacturer or trader whose shop or place of business is assessed under Chapter V at or above ten rupees, but at less than twenty-five rupees a month ...	12

Class IV.—(Continued.)

	Yearly. Rs.
Every keeper of a permanent stall at a daily public market or in a chowk Every poddar or money-changer ... ... Every hakeem and koberaj, practising native doctor ... ... Every order supplier, cooly supplier, shipping agent, or boat supplier	12

Class V.

Every keeper of a shop not included in any other class, and every dalall not included in class III ... . Every pedlar, hawker, box-wallah, and midwife ...	4

Class VI.

All itinerant dealers hawking goods for sale in baskets or trays	1

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioners; and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered payment by the firm.

FOURTH SCHEDULE

(*See Section* 122.)

NOTICE OF DEMAND.

TAKE notice that the Commissioners of the Town of Calcutta demand from you the sum of due from* [you] as owner (*or occupier*) (*here describe the property or thing upon which the rate*

* In the case of a demand on the occupier of a house under section one hundred and twenty-six, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

or tax is imposed) for the months of 187 ; and that if the sum due, together with for this notice, is not paid into the office of the said Commissioners at

or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

L. S.

(*Signature of the Chairman, Vice-Chairman, or Secretary.*)

Date ———

FIFTH SCHEDULE.

(*See Section* 122.)

DISTRESS WARRANT.

To (*here insert the name of the Officer charged with the execution of the warrant.*)

WHEREAS of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for the rates (*or taxes*) (*or taxes and rates*) mentioned in the margin for the months of (187 although the said sum has been duly demanded in writing from the said and seven days have elapsed since the service of the notice of demand: This is to command you to distrain the moveable property of the said (*or as the case may be any moveable property found on the premises referred to*) to the amount of the said sum of rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within seven days next after

such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said moveable property; and having paid and deducted out of the proceeds of the sale the said sum of rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said moveable property. If sufficient distress cannot be found of the moveable property of the said , you are to certify the same to us together with this warrant.

L. S.

(*Signature of the Chairman, Vice-Chairman, or Secretary.*)

SIXTH SCHEDULE.

(*See Section* 123.)

FORM OF INVENTORY AND NOTICE.

(*State particulars of goods seized.*)

TAKE notice that I have this day seized the moveable property specified in the above Inventory for the sum of rupees due for the rates (*or taxes*) mentioned in the margin, for the months of 187 ; and that, unless you pay into the Office of the Commissioners of the Town of Calcutta the amount due, together with the costs of this distress, within seven days from the day of the date of this notice, the said property will be sold.

(*Signature of the Officer executing the Warrant of Distress.*)

Date——————

TABLE OF FEES PAYABLE IN DISTRAINTS.

(*See Section* 124)

Sum distrained for.	Fee.	
	Rs.	As.
Under 5 Rupees	0	4
5 and under 10 Rupees	0	8
10 „ 15 „	1	0
15 „ 20 „	1	8
20 „ 30 „	2	0
30 „ 40 „	3	0
40 „ 50 „	4	0
50 „ 60 „	5	0
60 „ 70 „	6	0
70 „ 80 „	7	0
80 „ 90 „	8	0
90 „ 100 „	9	0
Above 100	10	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

SEVENTH SCHEDULE.

(*See Section* 335.)

FORM OF DEBENTURE.

The Commissioners for the Town of Calcutta.

No. *Calcutta, the* 187

By virtue of the Calcutta Municipal Consolidation Act, 1876, we, the Commissioners of the Town of Calcutta incorporated under the said Act, in consideration of the sum of rupees paid to us by A. B. of promise to pay to the said or order the said sum of rupees after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly, on the day of and the day of

(*Signature of the Chairman, or Vice-Chairman, and two Commissioners.*)

EIGHTH SCHEDULE.

(*See Sections* 171 *and* 172.)

18 BIRTHS IN THE DISTRICT OF

No.	When born.	Nationality or Caste.	Name if any.	Sex.	Name of Father.	Profession of Father.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

NINTH SCHEDULE.

(*See Sections* 171, 172, 174, *and* 177.)

18 DEATHS IN THE DISTRICT OF

No	When died.	Nationality or Caste.	Name	Sex.	Age.	Profession	Cause of death	Residence at time of death	Residence previous to last illness.	Signature, description, and residence of informant		When registered	Signature of Registrar

TENTH SCHEDULE.

(*See Section* 2.)

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
VI of 1863 ...	Calcutta Municipal Affairs ...	So much as has not been repealed.
Section 49 of III of 1864.	District Municipal Improvement	So far as the same applies to Suburbs and Howrah.
VII of 1865 ...	Slaughter-houses	So far as the same applies to Suburbs.
IX of 1865 ..	Amendment of Bengal Act VI of 1863.	The whole Act.
VI of 1866 ...	Further amendment of Bengal Act VI of 1863.	So much as has not been repealed.
I of 1867 ...	Explanation of Bengal Act VI of 1863.	The whole Act.
IX of 1867 ...	Amendment of Bengal Acts VI of 1863 and VI of 1866.	So much as has not been repealed.
XI of 1867 ...	Pauper Hospital and Calcutta Police.	The whole Act.
V of 1868 ...	Subjecting a portion of Hastings to the Calcutta Municipal Acts.	The whole Act.
I of 1870 ...	Calcutta Water-rate	The whole Act.
VI of 1871 ...	Modifying and amending the constitution of the Corporation of the Justices of the Peace for Calcutta.	The whole Act.
VIII of 1871 ...	Markets	So much as has not been repealed.
I of 1872 ...	Extending borrowing powers of the Justices, and providing for the repayment of the Municipal debt.	The whole Act.
II of 1874 ...	Markets	The whole Act.

Reg. No. 912—2,300—30-4-76.

THE BENGAL MUNICIPAL CONSOLIDATION ACT, 1876.

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ACT No. V OF 1876.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the* 18*th April* 1876, *and of the Governor-General on the* 10*th June* 1876.)

An Act to amend and consolidate the law relating to Municipalities.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Municipalities within the territories subject to the government of the Lieutenant-Governor of Bengal: It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. This Act may be called the "Bengal Municipal Act, 1876;"

and it shall come into force on such date as the Lieutenant-Governor may direct, not being more than three months after the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Enactments repealed.

2. On the commencement of this Act the enactments specified in the fifth schedule shall be repealed to the extent mentioned in the third column thereof; and the enactment specified in the sixth

schedule shall cease to be in force in every Municipality under this Act to the extent mentioned in the third column thereof.

But this repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules and bye-laws prescribed; assessments, valuations, measurements, divisions, and appointments made; powers conferred, and notifications published under any such enactment; and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, and published hereunder.

And all references to any such enactment shall (so far as may be practicable) be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act. In reference to all the matters aforesaid,

the Commissioners under Chapter II shall, in respect of every Municipality, be substituted for the late Commissioners, or Town Committee (as the case may be);

and the panchait under Chapter III shall, in respect of every Union, be substituted for the panchait under Act XX of 1856;

and the Commissioners under Chapter IV shall, in respect of every Station, be substituted for the Commissioners under Act XXVI of 1850.

First class and second class Municipalities

3. Unless and until the Lieutenant-Governor shall otherwise direct by a notification to be published in the *Calcutta Gazette*, every place in which the provisions of the District Municipal Improvement Act, 1864, shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a first class Municipality under Chapter II, and every place in which the provisions of the District Towns' Act, 1868, shall have been in force immediately before the commencement of this Act, shall, from

the said commencement, become a second class Municipality under the said Chapter;

and every place in which Act XX of 1856 shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a Union under Chapter III;

and every place in which Act XXVI of 1850 shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a Station under Chapter IV.

All property of late Commissioners or Committee vested in Commissioners under this Act.

4. All property, moveable and immoveable, of any kind whatsoever, derived under any of the enactments specified in the fifth schedule, or otherwise, and vested in or held in trust for the late Commissioners under the said District Municipal Improvement Act, 1864, or the late Committee under the said District Towns' Act, 1868, shall become vested in the Commissioners under Chapter II and their successors; and all such property vested in or held in trust for the late Commissioners under Act XXVI of 1850, shall become vested in the Commissioners of the Station under Chapter IV and their successors.

Act not to be extended to cantonments without consent of Governor-General.

5. Notwithstanding anything contained in section three, this Act shall not take effect in any cantonment without the consent of the Governor-General in Council previously obtained, nor shall the Lieutenant-Governor extend this Act, or any part thereof, to any cantonment without such consent.

Interpretation.

6. In this Act, unless there be something repugnant in the subject or context—

"Carriage."

(1.) "Carriage" means any wheeled vehicle with springs used for the conveyance of human beings, and ordinarily drawn by animals.

"Cart."

(2.) "Cart" means any cart, hackery, or wheeled vehicle with or without springs, ordinarily drawn by animals, and not included in the definition of "carriage."

"Chapter."

(3.) "Chapter" means a Chapter of this Act.

"Holding."

(4.) "Holding" includes any parcel of land, house, tank, or other immoveable property which has been separately valued for assessment, or in respect of which any person has been separately assessed, or which, in the opinion of the Commissioners, should be separately valued, or in respect of which, in the opinion of the Commissioners, any person should be separately assessed.

"House."

(5.) "House" includes any hut, shop, warehouse, or building.

"Immoveable property" and "land."

(6.) "Immoveable property" means land, benefits to arise out of land, houses, things attached to the earth, or permanently fastened to anything attached to the earth.

"Land."

(7.) "Land" means benefits to arise out of land, houses, things attached to the earth, or permanently fastened to anything attached to the earth.

"Moveable property."

(8.) "Moveable property" means property other than immoveable property.

"Lieutenant-Governor."

(9.) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being or the person acting in that capacity.

"Magistrate of the district."

(10.) "Magistrate of the district" means the chief Magistrate in a district.

"The Magistrate."

(11.) "The Magistrate" includes the Magistrate of the district, the Magistrate in charge of a division of the district in which division a Municipality is constituted, and every Magistrate subordinate to the Magistrate of the district to whom the Magistrate of the district may have made over any duties under this Act.

"Municipality."

(12.) "Municipality" means any place (not being a Station as defined in clause (20) or a Union as defined in clause (21) of this section) in which this Act, or any part thereof, is in force.

"Offensive matter."

(13.) "Offensive matter" means night-soil, sewage, and other contents of privies, drains, and cess pools.

"Owner."

(14.) "Owner" includes—

(*a*) every person who is entitled for the time being to receive any rent in respect of the land with regard to which the word is used, whether from the occupier or otherwise;

(*b*) a manager on behalf of any such person;

(*c*) an agent for any such person;

(*d*) a trustee for any such person;

Provided that no such manager, agent, or trustee, shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands as such manager, agent, or trustee, to do such thing.

"Road."

(15.) "Road" means any road, street, square, court, alley, or passage whether a thoroughfare or not, over which the public have a right of way.

"Rubbish."

(16.) "Rubbish" means all dirt, dung, broken brick, mortar, broken glass, kitchen, or stable refuse, or refuse of any kind whatsoever, and filth of any kind not included in the term "offensive matter."

"Schedule."

(17.) "Schedule" means a schedule annexed to this Act.

"Section."

(18.) "Section" means a section of this Act.

"The Commissioners."

(19.) "The Commissioners" means the persons for the time being appointed or elected to conduct the affairs of any Municipality or of any Station (as the case may be) under this Act, and includes *ex-officio* Commissioners under this Act.

"Station."

(20.) "Station" means any town or suburb in which the provisions of Chapter IV are in force.

"Union."

(21.) "Union" means any city, town, suburb or bazar in which the provisions of Chapter III are in force.

"Year."

(22.) "Year" means a year beginning on the first day of April, or on such other date as may hereafter be fixed for any Municipality by the Lieutenant-Governor by notification in the *Calcutta Gazette*.

CHAPTER II.

OF MUNICIPALITIES.

PART I.

Of the Creation of Municipalities.

Tax on holdings and persons in first and second class municipalities.

7. In every place which, in accordance with the provisions of section three, becomes a Municipality under this Chapter, every person who has been appointed or elected to be a Commissioner or a Member of a Town Committee for such place under any enactment hereby repealed, and who is holding office as such Commissioner or Member at the commencement of this Act, shall be deemed to be a Commissioner duly appointed for such Municipality; and in every such place which becomes a first class Municipality, it shall be deemed that a rate on the annual value of holdings under section seventy-seven, and in every such place which becomes a second class Municipality as aforesaid, it shall be deemed that a tax upon persons under the said section, has been duly imposed; and such rate or tax shall be levied accordingly until the Commissioners at a meeting, with the sanction of the Lieutenant-Governor, shall otherwise direct;

and in every Municipality as aforesaid in which a tax on carriages and animals, or a fee upon the registration of carts, or tolls on roads or on ferries, may have been levied by the Municipal Commissioners or Town Committee before the commencement of this Act, it shall be deemed that the said tax, fee, or tolls have been duly imposed under section seventy-eight, and such tax, fee, or tolls shall continue to be levied accordingly until the Commissioners at a meeting, with the sanction of the Lieutenant-Governor, shall otherwise direct.

Lieutenant-Governor may extend Act

8. Except as is hereinafter otherwise expressly provided, Chapters I, II, and V may be extended by the Lieutenant-Governor by notification published in the *Calcutta Gazette*, and in the manner prescribed by section three hundred and sixty-five, to any town or village not

being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, from such date as may be specified in such notification, and save as is hereinafter otherwise provided, such Chapters shall take effect in such town or village on the date so specified.

Provided that at least six weeks before publishing any notification as aforesaid, the Lieutenant-Governor shall cause to be published in the town or village concerned a notice of his intention to declare the said town or village to be a Municipality, unless good reason to the contrary be shown within one month.

Any objections which may be made to the proposed measure shall be duly considered by the Lieutenant-Governor before he causes to be issued the notification declaring the town or village to be a Municipality under this Act.

Municipalities

9. From the date specified in any notification under the last preceding section, the town or village mentioned in such notification shall be deemed to be created a Municipality for the purposes of this Act.

The notification shall—

(*a*) define the limits of the Municipality;

(*b*) declare whether the same shall, for the purposes of this Act, be a first or second class Municipality.

Transfer of class and variation of limits.

10. The Lieutenant-Governor may, on the recommendation of the Commissioners at a meeting, or of his own motion, by like notification, at any time order that a municipality be transferred from one class to the other; and may vary the limits of any municipality or withdraw any town or village from the operation of this Act.

Conditions on which Municipality may be created.

11. Chapters I, II, and V of this Act shall not be extended to any town or village, unless the Magistrate shall have certified to the Lieutenant-Governor that three-fourths of the adult male population of such town or village are chiefly employed in pursuits other than agricultural; and that such town or village contains a number of inhabitants not being less than

three thousand, and an average number of not less than one thousand inhabitants to the square mile of the area of such town or village.

Conditions on which first class Municipality may be created.

12. No town or village shall be declared to be a first class Municipality, unless the Magistrate shall have certified to the Lieutenant-Governor that such town or village contains at least fifteen thousand inhabitants, and an average number of not less than two thousand inhabitants to the square mile of the area of such town or village.

Lieutenant-Governor may unite places to a Municipality.

13. The Lieutenant-Governor may from time to time, by notification in the *Calcutta Gazette*, declare that any place in which three-fourths of the adult male population are chiefly employed in pursuits other than agricultural, shall be united with any town or village as aforesaid for the purposes of forming a Municipality of the first or second class, as the case may be, provided that no such place shall be so united unless some part of such place be situated within the distance of one mile from some part of such town or village.

Every such declaration shall specify the boundaries of every place so to be united.

Every town or village with which any such place is united, and all places so declared to be united with any such town or village, shall be deemed, for purposes of taxation, and for all other purposes, to form part of one and the same Municipality.

Land between Municipality and place united to form part of Municipality.

14. Notwithstanding anything hereinbefore contained, whenever the Lieutenant-Governor shall declare any place or places as aforesaid to be united with any town or village for the purpose of forming one Municipality, the Lieutenant-Governor may similarly declare that any land by which any such place is separated from the town or village with which it is united, and any land by which any such place is separated from any other such place which is united with the said town or village, shall be deemed to form part of the Municipality for all purposes other than those of taxation.

And such declaration shall specify the exterior boundaries of the entire Municipality as constituted under this and the last preceding section.

PART II.

OF THE MUNICIPAL AUTHORITIES.

Of the Constitution of the Municipality.

Appointment of Commissioners.

15. The Lieutenant-Governor shall from time to time appoint, in every Municipality, proper persons to be Commissioners for carrying out the purposes of this Act;

Provided that the total number of Commissioners holding office in any first class Municipality shall not at any time be less than seven or more than thirty, and in any second class Municipality shall not at any time be less than four or more than twenty;

Provided also that not more than one-fourth of the whole number of Commissioners so appointed shall be persons holding in the judicial, police, or revenue departments of the Government service salaried offices of which the functions are exercised within the district in which the Municipality is situated, unless such persons be elected Commissioners under the next succeeding section.

In case such whole number is not evenly divisible by four, the one-fourth shall be ascertained by taking the number next below the whole number, which is evenly divisible by four, as the number to be divided.

Election of Commissioners.

16. The Lieutenant-Governor may at any time direct that the whole or any number of the Commissioners to be appointed under the last preceding section shall be elected, and may lay down such rules as he shall think fit, not being inconsistent with the provisions of this Act, in respect of the qualifications required to entitle any person to stand as a candidate for such election, and to entitle any person to vote for any such candidate, and in respect of the mode of

election; and the Lieutenant-Governor may at any time cancel any rule made by him under this section.

But the elective system shall not be introduced into any Municipality unless the Magistrate certifies that at least one-third of the rate-payers residing therein have signed a petition praying for its introduction.

Ex-officio Commissioners.

17. In addition to the Commissioners appointed or elected as hereinbefore provided, the Magistrate of the district, the Magistrate of the division, and the medical officer in charge of the district shall be *ex-officio* Commissioners of every Municipality situated within their respective jurisdictions; and the Lieutenant-Governor may direct, by notification in the *Calcutta Gazette*, that the persons for the time being exercising the functions of the offices to be named in such notification shall be *ex-officio* Commissioners for any or every Municipality to which the functions of the offices held by the persons so appointed may extend.

Ad-interim Vice-Chairman and Commissioners.

18. The Lieutenant-Governor may appoint any persons to be *ad-interim* Vice-Chairman and Commissioners pending the election of Commissioners.

Qualification of Commissioner.

19. No person who is not an owner or an occupier of land in the Municipality shall be appointed or elected a Commissioner in such Municipality; but this section shall not apply to any person whom the Lieutenant-Governor may direct to be an *ex-officio* Commissioner.

Resignation of Commissioner.

20. The Lieutenant-Governor may from time to time accept the resignation of any Commissioner appointed or elected under this Act.

Removal of Commissioner.

21. The Lieutenant-Governor may, on the recommendation of the Commissioners, remove any Commissioner appointed or elected under this Act, if such Commissioner shall have been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct.

22. Any Commissioner who, without having obtained permission from the Commissioners, shall have omitted to attend six consecutive meetings of the Commissioners,

Commissioner who neglects to attend meetings, or is sentenced to imprisonment, to cease to be Commissioner

and any Commissioner who shall have been sentenced to imprisonment,

shall cease to be a Commissioner.

23 Except as hereinafter provided, every Commissioner shall vacate his office at the end of three years from the first day of the year next following the date of his appointment or election as such Commissioner.

Tenure of office of Commissioners.

24. When Commissioners are for the first time appointed or elected in any place, one-third of the whole number of which the body may consist on the first day of the year next following the date of the appointment or election of such Commissioners, shall retire at the end of one year, and another third at the end of two years, and the rest at the end of three years, to be computed from the first day of the year next following the date of the appointment or election of such Commissioners.

Rotation of Commissioners

In case such whole number is not evenly divisible by three, the one-third shall be ascertained by taking the number next below the whole number, which is evenly divisible by three, as the number to be divided.

The Commissioners who shall retire at the end of the first and second years respectively shall be selected by lot.

25. When any Commissioners have been elected in a Municipality, the rule of rotation in the last preceding section shall be applied separately to the Commissioners who have been appointed, and separately to the Commissioners who have been elected.

Application of rule of rotation separately to appointed and elected Commissioners

26. In calculating the whole number of Commissioners for the purposes of section twenty-four, all *ex-officio* Commissioners shall be excluded; and such *ex-officio* Commissioners shall remain Commissioners

Calculation of number of the Commissioners

so long as they continue to hold the respective offices in virtue of which they are respectively Commissioners.

Retirement of Commissioners by rotation.

27. When this Act comes into force in any place in which persons appointed or elected under any enactment hereby repealed remain in office as Commissioners, one-third of the whole number of which the body may consist on the date when this Act so comes into force shall retire at the end of one year, and another third at the end of two years, and the rest at the end of three years, to be computed from the first day of the year next following the date on which this Act shall have come into force in such place.

In case such whole number is not evenly divisible by three, the one-third shall be ascertained by taking the number next below the whole number which is evenly divisible by three, as the number to be divided.

The Commissioners who shall retire at the end of the first and second year respectively shall be selected by lot out of those who have held office for more than three years at the end of such years respectively; and should the number of persons who have held office for more than three years fall short of one-third of the whole number of Commissioners, the number required to make up the one-third shall be selected by lot out of those Commissioners who have held office for less than three years.

When Commissioner may be re-appointed or re-elected.

28. Any person who has resigned the office of Commissioner, or has retired therefrom under sections twenty-three, twenty-four, or twenty-seven, or who has ceased to be a Commissioner in consequence of his failure to attend meetings as provided in section twenty-two, may be at any time re-appointed or re-elected a Commissioner; but no person removed by the Lieutenant-Governor from his office under section twenty-one, or who has ceased to be a Commissioner in consequence of being sentenced to imprisonment may be elected or re-elected a Commissioner without the sanction of the Lieutenant-Governor.

Chairman of Commissioners.

29. Unless the Lieutenant-Governor shall appoint any other person to be such Chairman, the Magistrate of the district, if the Municipality be within

the sudder division, and the Magistrate in charge of the division of the district, if the Municipality be situated within any other than the sudder division, shall be *ex-officio* Chairman of the Commissioners of the Municipality.

The Magistrate of the district may, with the sanction of the Commissioner of the division, delegate to any Magistrate subordinate to him at a sudder station any of the powers vested by this Act in him as the Chairman of the Commissioners of any Municipality, and may withdraw such powers.

In the absence of the Magistrate of a division of the district, the Magistrate of the district may appoint any Magistrate subordinate to him to officiate as Chairman of the Commissioners within such division.

Election of Vice-Chairman

30 The Commissioners at a meeting shall elect their own Vice-Chairman, subject to the approval of the Lieutenant-Governor; he shall hold office for one year from the beginning of the year next following his election, and shall be eligible for re-election for the following year.

The Vice-Chairman, on election or re-election, shall be held to be appointed a Commissioner under this Act during his term of office.

The Vice-Chairman may at any time be removed from the office of Vice-Chairman by a resolution of the Commissioners, in favor of which not less than two-thirds of the Commissioners shall have given their votes either personally or in writing:

Provided that the Lieutenant-Governor may sanction the election permanently, or for a term of years, of a salaried Vice-Chairman, if proposed by the Commissioners at a meeting.

Provided also that the present salaried Vice-Chairman of any Municipality who has been appointed by the Lieutenant-Governor under the provisions of any enactment hereby repealed shall continue to hold the office until he resigns or is removed with the sanction of the Lieutenant-Governor.

Commissioners incorporated

31. The Commissioners shall, in the name of their Chairman, by the description of "The Chairman of the Municipal Commissioners of ," be a body corporate, and have perpetual succession, and a common seal, and in such name shall sue and be sued.

Such common seal shall have the name of the Municipality engraved thereon in legible characters in the English language, and also in the vernacular of the district.

Of the Property and Contracts of the Commissioners.

Public roads, &c., vested in the Commissioners.

32. All roads, bridges, embankments, tanks, ghâts, wharves, jetties, wells, channels and drains in any Municipality (not being private property), and not being maintained by Government or at the public expense, now existing or which shall hereafter be made, and the pavements, stones, and other materials thereof, and all erections, materials, implements, and other things provided therefor, shall vest in and belong to the Commissioners.

But the Lieutenant-Governor may from time to time, by notification, exclude any road, bridge, embankment, or drain from the operation of this Act, and may cancel such notification wholly or in part; provided that if the cost of the construction of the work shall have been paid from the Municipal Fund, such work shall not be excluded from the operation of this Act without the consent of the Commissioners.

Commissioners may, with consent of owners, take over and repair roads, &c.

33. The Commissioners at a meeting may agree with the person in whom the property in any road, bridge, embankment, tank, ghât, wharf, jetty, well, channel, or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon or near thereto that such road, bridge, embankment, tank, ghât, wharf, jetty, well, channel, or drain has been transferred to the Commissioners;

Thereupon the property therein shall vest in the Commissioners, and such road, bridge, embankment, tank, ghât, wharf, jetty, well, channel, or drain shall thenceforth be repaired and maintained out of the Municipal Fund.

Existing hospitals, schools, rest-houses, &c., may be vested in the Commissioners.

34. Every hospital, dispensary, school, rest-house, ghât, and market, not being private property, or the property of a religious institution or society, and all medicines, furniture, and other articles appurtenant thereto, not being such

property, which at and after the commencement of this Act shall be found within any Municipality, may, by order of the Lieutenant-Governor, duly published on the spot, be vested in the Commissioners of such Municipality, and thereupon all endowments or funds belonging thereto shall be transferred to, and vested in, such Commissioners as trustees for the purposes to which such endowments and funds were lawfully applicable at the time of such transfer:

Provided that no such order shall be published until one month after notice of the intention to transfer such property shall have been published in the *Calcutta Gazette*, and within the Municipality in the vernacular language of the district.

Transfer to be conditional in certain cases.

35. If the Commissioners at a meeting shall, after publication of a notice as is mentioned in the last preceding section, object to the transfer to themselves of any hospital, dispensary, school, rest-house, ghât or market, on the ground that their funds cannot bear the charge, then such transfer shall not be made save under such conditions as the Commissioners at a meeting may agree to accept.

Power to purchase, lease, and sell lands.

36. The Commissioners at a meeting may purchase or take on lease any land for the purposes of this Act, and may sell, let, or otherwise dispose of any land not required for such purposes.

Land may be taken up under Land Acquisition Act, 1870.

37. The Lieutenant-Governor, on the application of the Commissioners that any land be acquired for the purposes of this Act, may, on being satisfied that the Commissioners are in a position to pay for such land either at once or in such instalments as the Lieutenant-Governor may think proper, notify under the provisions of the Land Acquisition Act, 1870, or any similar Act for the time being in force for the acquisition of land for public purposes, that such land is required for a public purpose, and may cause such land to be acquired under the provisions of such Act; and on payment by the Commissioners of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act.

Commissioners to pay cost of such land.

38. The Commissioners shall be bound to pay to the Government the cost of any land which may be acquired for them on their application under the provisions of the last preceding section.

Mode of executing contracts.

39. The Commissioners may enter into and perform any contract necessary for the purposes of this Act.

Every contract made on behalf of the Commissioners in a first class Municipality in respect of any sum exceeding five hundred rupees, or which shall involve a value exceeding five hundred rupees, and every contract made on behalf of the Commissioners in a second class Municipality in respect of any sum exceeding two hundred rupees, or which shall involve a value exceeding two hundred rupees, shall be sanctioned by the Commissioners at a meeting, and shall be in writing, and signed by at least two of the Commissioners, one of whom shall be the Chairman or Vice-Chairman, and shall be sealed with the common seal of the Commissioners.

Unless so executed, such contract shall not be binding on the Commissioners.

Of the Mode of transacting the Business of the Municipality.

Commissioners to meet ordinarily once a month.

40. The Commissioners shall meet for the transaction of business (if there be any business to be transacted) at their office, or at some other convenient place, at least once in every month, and as often as a meeting shall be called by the Chairman, or, in his absence, by the Vice-Chairman.

If there shall be no business to be laid before the meeting at any monthly meeting, the Chairman shall, instead of calling the meeting, give notice of the same to each Commissioner three days before the date which is appointed for the monthly meeting.

And at other times on special requisition

41. The Chairman, or, in his absence, the Vice-Chairman, shall call a special meeting on a requisition signed by not less than three of the Commissioners.

Who to preside at meetings of the Commissioners.

42. The Chairman, or, in his absence, the Vice-Chairman shall preside at every meeting, and, in the absence of both the Chairman and Vice-Chairman, the Commissioners shall choose some one of their number to preside.

Questions to be decided by majority.

43. All questions which may come before the Commissioners at a meeting shall be decided by a majority of votes.

Casting vote.

In case of equality of votes, the President shall have a second or casting vote.

Quorum.

44. No business shall be transacted at any meeting of the Commissioners unless such meeting has been called by the Chairman or Vice-Chairman, and unless a quorum shall be present.

A quorum shall be, in any Municipality in which the Commissioners are more than fifteen, five;

in any other Municipality a number being not less than one-third of the entire number of Commissioners:

Provided that it shall require two members at least to form a quorum.

Minutes of proceedings.

45. Minutes of the proceedings of all meetings of the Commissioners shall be entered in a book to be kept for the purpose, and shall be signed by the President of the meeting, and such book shall be open to the inspection of the tax-payers.

Powers of Chairman.

46. The Chairman shall, for the transaction of the business connected with this Act, or for the purpose of making any order authorized thereby, exercise all the powers vested by this Act in the Commissioners:

Provided that the Chairman shall not act in opposition to, or in contravention of, any order of the Commissioners at a meeting, or exercise any power which is directed to be exercised by the Commissioners at a meeting.

Chairman may delegate his duties to Vice-Chairman.

47. The Chairman may, by a written order, delegate to the Vice-Chairman all or any of the duties or powers of a Chairman as defined in this Act, subject to such restrictions as may seem fit to him, and may at any time by a written order withdraw the same.

Provided that nothing done by the Vice-Chairman which might have been done under the authority of a written order from the Chairman shall be invalid for want of or defect of such written order, if it be done with the express or implied consent of the Chairman.

Appointment of overseers, clerks, and subordinate officers.

48. The Commissioners at a meeting shall from time to time decide whether a paid Secretary, Engineer, or Health Officer is required or not, and what number of assessors, overseers, clerks, registrars, subordinate officers, servants, and collectors of taxes or tolls, may be necessary for the Municipality, and shall from time to time fix the salaries to be paid to such persons respectively out of the Municipal Fund, and the allowances to be granted to such persons during absence on leave.

Subject to the scale of establishment decided upon by the Commissioners under this section, the Chairman shall have power to appoint such persons as he may think fit, and from time to time to remove such persons and appoint others in their places.

Provided that no person shall be appointed to an office the salary of which is more than two hundred rupees per mensem without the sanction of the Commissioners at a meeting, subject to the approval of the Commissioner of the Division; and provided also that no officer whose salary is more than fifty rupees per mensem shall be dismissed without the sanction of the Commissioners at a meeting.

Security to be taken from collector of taxes or tolls.

49. The Commissioners may take from every collector of municipal taxes or tolls, and from every other officer whose duty it is to receive or expend money on behalf of the Commissioners, such security as they may think proper.

Of Ward Committees.

Power to appoint Ward Committees.

50. The Commissioners at a meeting may divide any Municipality into wards, and thereupon appoint, or cause to be elected, for each ward, not less than three proper persons, whether such persons be or be not Commissioners for the time being, to be Members of the

Ward Committee, and the Commissioners at a meeting may define the limits of the ward for which any Ward Committee may be appointed or elected.

Commissioners may lay down rules for election.

51. The Commissioners at a meeting may, with the sanction of the Commissioner of the division, lay down rules, not being inconsistent with the provisions of this Act, in respect of the qualifications required to entitle any person who is not a Commissioner, to stand as a candidate for such election, and to entitle any person to vote for any candidate, and in respect of the mode of election; and the Commissioners may at any time cancel any rule made by them under this section for such election.

Election of Chairman and Vice-Chairman of Ward Committee.

52. Each Ward Committee may, for each year if they see fit, elect their own Chairman and Vice-Chairman (if necessary) from among their own number, provided that if one or more Commissioners are members of the Ward Committee, the Chairman of the Ward Committee shall be a Commissioner.

Commissioners may delegate powers to Ward Committee.

53. The Commissioners at a meeting may delegate to a Ward Committee such of the powers of Commissioners under this Act as to them may seem fit; and such Ward Committee, within the limits of their ward, as defined by the Commissioners at a meeting, may exercise all or any of such powers, and shall be liable to all the obligations imposed by this Act on Commissioners in respect of such powers.

All acts done, orders issued, and assessments made by Ward Committees, shall be subject to the control and revision of the Commissioners at a meeting, who may at any time withdraw all or any of such powers.

Certain sections applicable to transaction of business by Ward Committees.

54. The provisions of sections forty to forty-seven (both inclusive) shall, as far as possible, be applicable to the transaction of business by Ward Committees, and the Commissioners shall sanction the establishments of Ward Committees in accordance with the provisions of section forty-eight.

55. All questions regarding the removal, resignation, and appointment of Members of Ward Committees shall be settled by the Commissioners at a meeting.

Removal, resignation, and appointment of Members

Liability of Commissioners and Ward Committees.

56 No Commissioner or Member of a Ward Committee shall be personally liable for any contract made, or expense incurred, by or on behalf of the Commissioners.

Personal liability of Commissioner or Member of Ward Committee.

Every Commissioner or Member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners to which he shall knowingly have been a party, and he shall be liable to be sued for the same.

57. No Commissioner or Member of a Ward Committee shall be interested, directly or indirectly, in any contract made with the Commissioners, and if any Commissioner shall be so interested, he shall thereby become incapable of continuing in office as a Commissioner, and shall be liable to a fine not exceeding five hundred rupees.

Penalty on Commissioners and others interested in contracts

Provided that no person shall, by reason of being a shareholder in. or a member of, any incorporated or registered company, be deemed interested in any contract entered into between such company and the Commissioners.

But no such shareholder or member shall act as a Commissioner or Member of a Ward Committee in a matter relating to any contract entered into between such company and the Commissioners.

58. No Commissioner or Member of a Ward Committee shall vote on any question which regards exclusively the assessment of himself, or the valuation of his property, or his liability to any tax.

Commissioners disqualified from voting on certain questions.

PART III.

OF THE MUNICIPAL FUND AND ITS APPLICATION.

What shall constitute the Municipal Fund.

59. All sums received by the Commissioners, and all fines paid or levied in any Municipality under this Act, and all other sums which, under the sanction of Government, may be transferred to the Commissioners, shall constitute a fund which shall be called the Municipal Fund, and shall, together with all property of every nature or kind whatsoever, which may become vested in the Commissioners, be under their control, and shall be held by them in trust for the purposes of this Act.

The Municipal Fund shall be deemed to be the fund applicable to police purposes mentioned in sections 11 and 48 of Bengal Act II of 1866 (*to provide for the better regulation of the Police within the Suburbs of the Town of Calcutta*).

Payment on account of police, interest on loans, and establishment.

60. The Commissioners shall set apart and apply annually out of the Municipal Fund—

first, such sum as they are by this Act required to provide for the maintenance of the municipal police force;

secondly, such sum as may be required for the payment of the interest which may fall due on any loan contracted by the Commissioners;

thirdly, such sum as they are by this Act required to provide for payment of their own establishment and the expenses of their office and for payment of the municipal establishments entertained in the offices of the Magistrate and of the Commissioner of the division under section seventy-four.

Purposes to which fund may be applied

61. After the said sums have been set apart under the last preceding section, the Commissioners at a meeting shall, as far as the Municipal Fund permits, from time to time cause roads, bridges, embankments, tanks, ghâts, wharves, jetties, wells, channels, drains, privies, latrines, and urinals, being the property of the Commissioners, to be maintained and repaired, and the Municipality to be cleansed;

and may, subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe, apply the

Municipal Fund to any of the following purposes within the Municipality, that is to say—

(1) the construction and improvement of roads, bridges, embankments, squares, gardens, tanks, ghâts, wharves, jetties, wells, channels, drains, privies, latrines, and urinals;

(2) the supply of water, and the lighting and watering of roads;

(3) the erection and maintenance of offices, police-stations, and other buildings required for municipal purposes;

(4) other works of public utility calculated to promote the health, comfort, or convenience of the inhabitants:

provided that for every thousand inhabitants of any Municipality not more than two hundred rupees a year shall be expended on such other works of public utility, unless the Lieutenant-Governor shall, at the request of the Commissioners at a meeting, extend such limit for a special object;

(5) the construction and repair of school-houses, and the establishment and maintenance of schools either wholly or by means of grants-in-aid;

(6) the establishment and maintenance of hospitals and dispensaries;

(7) the promotion of vaccination;

(8) and generally to carrying out the purposes of this Act.

Provided that no portion of the Municipal Fund shall be applied to the establishment and maintenance of any school, hospital, or dispensary, or to the promotion of vaccination, unless such application be sanctioned by the consent of a majority of the Commissioners present at a meeting specially convened for considering such application, or held after special notice has been given that such application will be considered at such meeting.

The Commissioners may do all things, not being inconsistent with this Act, which may be necessary to carry out the purposes of this section.

Contribution to other Municipalities.

62. With the consent of two-thirds of the Commissioners obtained in writing, and with the sanction of the Lieutenant-Governor, the Commissioners may contribute a portion of the Municipal Fund towards the expenses incurred in any other

Municipality, or elsewhere, for any of the purposes mentioned in the last preceding section, and also towards the expenses of making, maintaining, and repairing any work for the improvement of a river or harbour (by whomsoever such work may be done):

but no contribution shall be made under this section to any work unless the same is calculated to benefit the inhabitants of the contributing Municipality.

Account books to be kept open and quarterly statement published.

63. The account books of the Municipality shall be open to the inspection of any tax-payer at the office of the Commissioners on a day to be fixed in each month.

An account showing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and shall, with the account books, be open to the inspection of any tax-payer, and a copy of such account shall be forwarded to the Magistrate of the district.

A similar account shall be prepared for each year as soon as possible after its close, and shall be open to inspection as aforesaid, and a copy thereof shall be forwarded to the Magistrate of the district for submission to the Commissioner of the division.

Annual estimates of expenditure to be prepared.

64. The Commissioners, at a meeting held at least three months before the close of the year, shall prepare in detail estimates showing the probable receipts and expenditure during the ensuing year, and the objects in respect of which it is proposed to incur such expenditure.

Estimates to be published.

65. Copies of the estimates and translations thereof in the vernacular of the district shall be lodged in the office of the Magistrate and in the municipal office or offices.

During fourteen days after the estimates shall have been so lodged in the said offices, of which due notice shall be locally published, the estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times by any tax-payer of such Municipality who may desire to inspect the same.

Any written suggestion which may be deposited in the office of the Commissioners shall be recorded and laid before them for consideration at the next meeting.

Estimate to be transmitted to Magistrate of district and Commissioner of division.

66. After the expiration of the said fourteen days, and after such revision as may appear requisite, the Chairman shall transmit the estimates to the Magistrate of the district with any remarks or objections thereupon which may have been recorded by himself or by the Commissioners at a meeting;

and the Magistrate of the district shall forward them to the Commissioner of the division together with such remarks or objections, and his own opinion thereon.

Power of Commissioner of Division and Lieutenant-Governor as to estimates.

67. The Commissioner of the division may either sanction the estimate or may submit it for the consideration of the Lieutenant-Governor. The Lieutenant-Governor may either sanction the estimate as it stands, or sanction it after making such alterations therein as may seem to him fit, or may cause it to be returned to the Commissioners for such modifications as he may think necessary; and when such modifications have been made, the estimate shall be re-submitted to the Commissioner of the division and passed by him.

Estimate of expenditure may be revised

68. The Commissioners at a meeting may from time to time revise any estimate of expenditure with the view of providing for any modifications which they may deem it advisable to make in the appropriation of the amount at their disposal, and such revised estimate shall be published, and forwarded for sanction to the Commissioner of the division through the Magistrate of the district in the manner prescribed by section sixty-six; and the Commissioner of the division and the Lieutenant-Governor may deal with such revised estimate in the manner provided by the last preceding section.

Disbursement of expenditure sanctioned in estimate.

69. After the estimates of the Municipality for the year shall have been sanctioned by the Commissioner of the division, the Commissioners at a meeting may, from time to time, by a general or a special resolution, authorize the expenditure of any sum provided in such

estimates, or any part of such sum, for the purpose to which it has been assigned in such estimate.

Notwithstanding anything contained in this section, the Lieutenant Governor may lay down such rules as he may think fit limiting or regulating the powers of any Municipality in respect to the expenditure of money for purposes which are provided for in the budget estimates of the year.

Power of Lieutenant-Governor if work estimated to cost more than Rs. 3,000.

70. If any work is estimated to cost above three thousand rupees, the Lieutenant-Governor may require the plans and estimates of such work to be submitted for his approval, or for the approval of any officer of Government, before such work is commenced;

and may require statements of the progress and completion of such work, with accounts of the expenditure on the same, to be submitted from time to time, in such form as he may prescribe, for his approval, or for the approval of such officer of Government.

Disbursement of excess expenditure.

71. It shall not be lawful for the Commissioners to authorize the expenditure on any object during the year of a sum in excess of that which has been sanctioned in the estimate of the year, or in a revised estimate, for such object; but if it be found necessary in the course of the year, the Commissioners may recommend to the Commissioner of the division that the allotments which have been made to the different heads of the estimate shall be modified by transfer of any amount from one head to another, and the Commissioner of the division may sanction such transfers of allotment.

An annual report of proceedings, &c., to be submitted.

72. The Commissioners shall, at such time and in such form as the Lieutenant-Governor shall direct, furnish annually a report of their proceedings and statements of the works executed by them, and of all sums received and expended by them.

The report and any orders which may be passed thereon by Government shall be open to the inspection of the tax-payers at the office of the Commissioners with the account books and the

quarterly and annual accounts; and the Lieutenant-Governor may, if he think fit, cause any such report to be published in the *Calcutta Gazette.*

Audit of accounts.

73. The municipal accounts shall be audited each year by such person and in such manner as the Lieutenant-Governor shall direct, and the expense of such audit shall be paid from the Municipal Fund.

Expense of clerks in office of Magistrate and Commissioner.

74. The Lieutenant-Governor may direct that the cost of maintaining clerks or other establishments in the offices of the Magistrate of the district and of the Commissioner of the division, for the audit of accounts and the requisite correspondence connected with the purposes of this Act, shall be paid in rateable proportion from the funds of the several Municipalities which may be constituted under this Act in such district or division.

And the Commissioners of every Municipality shall pay to the Magistrate of the district the sum which they may be required to pay for the purposes of this section and the last preceding section.

Custody of the Municipal Fund.

75. All sums received on account of the Municipal Fund shall be paid into a Government treasury, or into any bank or branch bank used as a Government treasury in or near to the Municipality, and shall be credited to an account to be called the account of the Municipality to which they belong:

Provided that the Commissioners may invest any moneys not required for immediate use either in the Government Savings' Bank or in Government securities, or in any other form of security which may be approved of by the Lieutenant-Governor.

Orders for payment of money.

76. Unless the Lieutenant-Governor shall expressly extend (as he is hereby empowered to do on the recommendation of the Commissioners) the limit of the powers of the Chairman or Vice-Chairman in this behalf, all orders for the payment of money from the Municipal Fund, if for a sum not above five hundred rupees in a first class Municipality, and not above two hundred rupees in a second class

Municipality, shall be signed by the Chairman or Vice-Chairman; and all orders for larger sums by both of the said officers or by one of the said officers and another Commissioner.

No such orders shall be issued otherwise than for the payment of money of which the expenditure has been authorized by the Commissioners at a meeting, as provided in section sixty-nine.

PART IV.

Of Municipal Taxation.

Of the Power to impose Taxes and Tolls.

Alternative tax upon persons or holdings.

77. The Commissioners may, from time to time, at a meeting convened expressly for the purpose, of which due notice shall have been given, and with the sanction of the Lieutenant-Governor, impose within the limits of the Municipality one or other, but not both, of the following taxes:—

(*a*) a tax upon persons occupying holdings within the Municipality according to their circumstances and property within the Municipality:

provided that the total sum to be raised by such tax in any year shall not exceed the sum which would be produced by an average rate of two rupees and four annas per annum for each holding, and that the amount assessed in respect of the occupation of any one holding shall not be more than eighty-four rupees per annum; or

(*b*) a rate on the annual value of all holdings situated within the Municipality:

provided that such rate shall not exceed seven and a half per centum on the annual value of such holdings, except within the Municipality of Dacca, in which it shall not exceed ten per centum on such annual value; and provided also that no rate shall be imposed on any holding of which the annual value is less than six rupees.

Additional taxes.

78. The Commissioners may, from time to time, at a meeting convened as aforesaid, and with the sanction of the Lieutenant-Governor, order that the following tax, fee, and tolls, or any of them, be levied within the limits of the Municipality in addition to either of the taxes mentioned in the last preceding section:—

(*a*) a tax on carriages, horses, and other animals named in the third schedule.

(*b*) a fee on the registration of carts.

(*c*) tolls on ferries and (subject to the provisions of sections one hundred and forty-nine and one hundred and fifty) tolls upon bridges and metalled roads.

Of the Tax on Persons.

Assessment list to be prepared

79. When it has been determined that a tax shall be imposed on persons occupying holdings within the Municipality, according to their circumstances and property, the Commissioners, after making such enquiries as may be necessary, shall cause to be prepared an assessment list which shall contain the following particulars, and any others which the Commissioners may think proper to include:—

(*a*) name of the street or road in which the holding is situated;

(*b*) number of the holding on the register;

(*c*) name of person occupying the holding, whether such person be assessed or exempted from assessment;

(*d*) description of the holding, and of the property within the Municipality, with profession or business of the person assessed;

(*e*) amount of annual assessment;

(*f*) amount of quarterly instalment;

(*g*) if the occupier of the holding is exempted from assessment, a note to that effect.

The tax upon persons shall be payable in quarterly instalments by persons occupying holdings.

Such tax shall not be assessed or levied on any person in respect of the occupation of arable lands or of any building which is used exclusively as a place of worship.

Duration of assessment.

80. Save as is herein otherwise provided, every assessment of the tax upon persons shall take effect from the beginning of the year next following that in which the notice required by section one hundred and three is published, and shall be valid for three years and until the beginning of the year next after the date on which a new assessment or valuation may be published, or until the assessment and valuation be revised and amended.

Provided that when Chapters I, II, and V are extended to any place, the first assessment may take effect from the beginning of the quarter next following that in which the said notice shall be published.

Provided also that whenever the tax on persons which was assessed under the District Towns' Act, 1868, remains in force in any second class Municipality and is levied therein under the provisions of section seven, the Commissioners may revise such assessment, or may make a new assessment, and may order that such revision or new assessment shall take effect from the beginning of the year next following the date on which the notice required by section one hundred and three is published.

Assessment of public buildings.

81. In any Municipality in which the tax on persons is imposed, no tax shall be assessed on any person in respect of his occupation of any holding which is the property of Government and used for the purposes of a public building, but a rate of seven and a half per centum shall be assessed on the annual value of every such holding, to be ascertained in the manner prescribed by section ninety-two, and such rate shall be payable by the Government.

Procedure if aggregate amount of rates assessed on any person exceeds Rs. 84 per annum.

82. Whenever any tax shall have been assessed on any person in respect of his occupation of two or more holdings, and the aggregate of the amount so assessed upon him shall exceed eighty-four rupees per annum, such person may, within fifteen days of the publication of the notice required

by section one hundred and three, apply to the Commissioners to cancel such assessment, and to substitute for the total amount of tax so assessed upon him in respect of the said holdings a rate to be calculated at seven and a half per centum on the annual value of such holdings; and the Commissioners shall thereupon substitute such rate; and for the purpose of calculating the amount of such rate, shall determine the annual value of the said holdings in the manner prescribed by section ninety-two.

Every rate imposed under this section shall be payable by the occupier of the holdings so rated.

Power of exemption.

83. The Commissioners may exempt from assessment any person who may by them be deemed too poor to pay the tax; but the name of the occupier of every holding shall be included in the assessment list, whether he be assessed or exempted from assessment.

Power to apply for reduction of assessment in altered circumstances.

84. Any person mentioned in the assessment list, who shall at any time after the publication thereof have ceased to occupy any holding in respect of the occupation of which he has been assessed, or whose means and property in respect of which he has been so assessed shall have been reduced, may apply to the Commissioners to exempt him from his assessment or to revise the same.

Power to alter assessment.

85. The Commissioners may, at any time after the publication of the notice required by section one hundred and three, assess any person who was without authority omitted from the assessment list, or whose liability to assessment has accrued thereafter, and may enhance any assessment which appears to them to be inadequate, and to have been so made owing to mistake or fraud.

Any assessment or enhancement made under this section shall take effect from the beginning of the quarter next following that in which such assessment or enhancement is made.

Procedure on change of occupation.

86. The Commissioners may at any time substitute for any name mentioned in the assessment list the name of any new occupier of a holding, and may assess the tax on such person, and

such person shall be liable to pay such assessment from the date on which his occupation of the holding commenced

Assessment on vacant holdings when to cease

87. If any holding shall become vacant in the course of the year, the assessment on account of the occupation of such holding shall cease to have effect from the first day of the quarter next following that in which it became vacant

Of the Rate on the value of Holdings.

Commissioners to determine the valuation of holdings

88 When it has been determined that a rate shall be imposed on the annual value of holdings, the Commissioners, after making such enquiries as may be necessary, shall determine the valuation of all holdings within the Municipality as hereinafter provided.

Duration of assessment

89. Save as is herein otherwise provided, such valuation shall be valid for three years from the date on which it first takes effect in the Municipality, and until the beginning of the year next after the date on which a new valuation may be made, or until the valuation be revised and amended

Provided that whenever the tax on the value of holdings which was imposed and assessed under the District Municipal Improvement Act, 1864, remains in force in any Municipality and is levied thereon under the provisions of section seven, the Commissioners may revise the valuation and rating according to which such tax is being levied, or may make a new valuation and rating, and may order that such revision or such new valuation and rating shall take effect from the beginning of the year next following the date on which the notice required by section one hundred and three is published.

Buildings exempted from tax.

90. The rate on the value of holdings shall not be assessed or levied on any holding which is used exclusively as a place of worship.

What returns may be required for ascertaining annual value

91. The Commissioners, in order to prepare the valuation list, may, whenever they think fit, by notice, require the owners or occupiers of all holdings to furnish them with returns of the rent or annual value thereof, and the

Commissioners, or any person authorized by them in that behalf, at any time between sunrise and sunset, may enter, inspect, and measure any such holding after having given forty-eight hours' previous notice of their intention to the occupier thereof.

Annual value of holding how to be ascertained

92. The gross annual rent at which any holding may be reasonably expected to let, shall be deemed to be the annual value thereof, and such value shall accordingly be determined by the Commissioners, and entered in the valuation list.

Determination of rate of tax on holdings.

93. Subject to the provisions of section seventy-seven, the Commissioners, at a meeting to be held before the close of the year next preceding the year to which the rate will apply, shall determine the percentage on the valuation of holdings at which the rate shall be levied, and the percentage so fixed shall remain in force until the order of the Commissioners determining such percentage shall be rescinded, and until the Commissioners at a meeting shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year.

Provided that when Chapters I, II, and V are extended to any place, the first rate may be levied from the beginning of the quarter next after that in which the percentage has been fixed by the Commissioners at a meeting.

Preparation of valuation and rating list

94. As soon as possible after the percentage at which the rate is to be levied on the next year shall have been determined under the last preceding section, the Commissioners shall cause to be prepared a valuation and rating list, which shall contain the following particulars, and any others which the Commissioners may think proper to include:—

(*a*) name of the street or road in which the holding is situated;

(*b*) number of the holding on the register;

(*c*) description of the holding;

(*d*) annual value of the holding;

(*e*) name of owner;

(*f*) amount of rate payable for the year;

(*g*) amount of quarterly instalment;

(*h*) if the holding is exempted from assessment, a note to that effect.

The rate upon holdings shall be payable in quarterly instalments by the owner of the holding.

Power to assess upon a house consolidated tax for house and land on which it stands.

95. If any house belongs to one owner, and the land on which it stands and the adjacent land which is usually occupied therewith, belongs to another, the Commissioners may value such house and land together and may impose thereon one consolidated rate.

The total amount of the rates shall be payable by the owner of the house, who shall thereafter be entitled to deduct from the rent which he pays for the land such proportion of the rate so paid by him as is equal to the proportion which such rent bears to the annual value of the holding.

If the owner of the house and the owner of the land do not agree in respect of the proportion of the rate so deducted by the owner of the house, the Commissioners shall, on the application of either party, make an award declaring the amount payable by each, and such award shall be final.

Tax due from non-resident owner may be recovered from occupier, and deducted by him from his rent.

96. If the sum due from the owner of any holding remains unpaid after the notice of demand has been duly served, and such owner be not resident within the Municipality, or the place of abode of such owner be unknown, the same may be recovered from the occupier for the time being of such holding, who may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him:

Provided that no arrear of rate, which has remained due from the owner of any holding for more than one year, shall be so recovered from the occupier thereof.

Power of Commissioners in cases of excessive hardship.

97. Whenever, from the circumstances of the case, the levy of the rate on any holding in the Municipality would be productive of excessive hardship to the person liable to pay the same,

the Commissioners at a meeting may reduce the amount payable on account of such holding, or may remit the same.

Application for reduction of assessment.

98. If the value of any holding shall be diminished from any cause beyond the control of the owner thereof, the owner thereof may apply for reduction of the valuation of the same.

Power to revise valuation and assessment.

99. The Commissioners may, at any time after the publication of the notice required by section one hundred and three, value and rate any holding which was without authority omitted from the valuation and rating list, or which has become liable to valuation and rating after the publication thereof, and may enhance the valuation and rating of any holding which may appear to have been insufficiently valued or rated through mistake or fraud; and may re-value and re-assess the rate on any holding the value of which has been increased by additions or alterations to any building thereon.

Any rate imposed or enhancement made under this section shall take effect from the beginning of the quarter next following that in which the rate shall be imposed or enhancement made.

Power to revise assessment list

100. The Commissioners may at any time substitute for any name mentioned in the valuation and rating list the name of any person to whom any holding mentioned therein shall have been transferred.

Such person shall be liable to pay the rate payable on such holding from the first day of the quarter next after the date of the transfer.

Remission or refund on account of vacant holdings.

101. When any holding has been vacant for sixty or more consecutive days during any year, the Commissioners shall remit, and, if the rate has been paid, shall refund, one-half of so much of the rate of that year as may be proportionate to the number of days the said holding has remained unoccupied; provided that the owner of such holding, or his agent, has given to the Commissioners notice in writing of the vacancy thereof.

The amount of tax to be remitted or refunded shall be calculated from the date of the delivery of such notice.

Penalty.

102. Whoever, being the owner of any holding for which a remission or refund of the rate has been made under the last preceding section, fails to give notice of the re-occupation of such holding within ten days of such re-occupation, shall be liable to a fine not exceeding three times the amount of rate payable quarterly on such holding.

Of general provisions relating to the tax on persons and the rate on holdings and to the recovery of the same.

Publication of notice of assessments.

103. When the assessment list of the tax upon persons or the valuation and rating list of the rate on the annual value of holdings shall have been prepared or revised, the Chairman shall sign the same, and shall cause it to be deposited in the office of the Commissioners, and shall cause the notice in form (A) or the notice in form (B) of the first schedule (as the case may be) to be published in the manner prescribed by section three hundred and sixty-five.

Application for review.

104. Any person who is dissatisfied with the amount assessed upon him, or with the valuation or rating of any holding,

or who disputes his occupation of any holding,

or his liability to be assessed, or rated,

may apply to the Commissioners to review the amount of assessment, valuation, or rating, or to exempt him from the assessment or rate.

Procedure upon review.

105. Every application presented under the last preceding section shall be heard and determined by not less than three Commissioners, who shall be appointed on that behalf by the Chairman. The Commissioners so appointed, after making such inquiries as they may deem necessary, may pass such order as they shall think fit in respect of such application.

The decision of such Commissioners, or of a majority thereof, in such cases shall be final.

Limitation of time for application of review

106. Unless good cause shall be shown to the satisfaction of such Commissioners for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after

the expiration of one month from the date of publication of the notice required by section one hundred and three relating to the list containing the assessment, valuation, or rating in respect of which the application is made, or after the expiration of fifteen days from the date of service of the first notice of demand for payment at the rate in respect of which the application is made, whichever period shall last expire.

Assessment to be questioned only under Act

107. No objection shall be taken to any assessment or rating, nor shall the liability of any person to be assessed or rated be questioned in any other manner or by any other authority than in this Act is provided

Office hours for payment of taxes

108. By notification to be posted up in their office, the Commissioners shall declare at what hours of each day (not being a Sunday or other recognized holiday) the office shall be open for the receipt of money.

Tax payable in advance

109. The amount due by any person on account of the tax on persons, or the rate on holdings, shall be deemed to be the amount entered in the lists the notice relating to which is published under section one hundred and three, unless the amount entered in such lists is subsequently altered by the Commissioners as provided in this Act, in which case the amount to which the assessment or rating is so altered shall be deemed to be the amount due.

Every instalment of such tax or rate shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

Receipts to be given

110. For all sums paid on account of any tax or rate under this Act, a receipt stating the amount and the tax or rate on account of which it is paid shall be given, signed by the tax-collector or by some other officer authorized by the Commissioners to grant such receipts.

Bill and notice of demand to be presented after one month

111. At any time within six months after any sum has become due on account of any tax or rate, the Commissioners shall cause to be served upon the person liable to the payment thereof a bill for the said sum, which shall contain a statement of the period and of the tax or rate on account of which the charge is made.

If the amount mentioned in such bill be not paid on presentation thereof, a notice of demand in the form marked (A) in the second schedule, with copy of the bill appended thereto, shall be served on the person liable to pay the same, and such notice of demand may be served at any subsequent time, provided that no charge shall be made in respect of the service of such notice.

Such notice shall be signed by the Chairman or an officer authorized in that behalf, and shall be served by a person authorized to receive payment.

If not paid in fifteen days, process of distress may issue

112. If any person, after service upon him of such bill and notice, shall not, within fifteen days of the service of such notice or from the date of any order made on an application for review under section one hundred and five, pay the sum due, either to the Commissioners at their office, or to some person authorized by them to receive the money, or show to the Commissioners sufficient cause for not paying the same, the amount of the arrear due, with costs on the scale shown in the table of fees marked (B) in the second schedule, may at any time within three months after the date of service of the said notice, or of the order made on an application to review as aforesaid, be levied by distress and sale of any moveable property belonging to the defaulter, except ploughs, plough-cattle, tools or implements of trade or agriculture, wherever found, or of any such moveable property, subject to the same exceptions, which may be found within the holding in respect of which such defaulter is liable to such tax or rate.

If the said property or any part thereof belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner thereof for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.

Distress how to be made.

113. Every warrant of distress and sale under the last preceding section shall be issued by the Commissioners, and shall be in the form marked (C) in the second schedule.

Distress shall be made by actual seizure of moveable property, and the officer charged with the execution of the warrant shall be responsible for the due custody thereof

Such officer shall make an inventory of all moveable property seized under the warrant, and shall give not less than ten days, previous notice of the sale, and of the time and place thereof, by beat of drum, in the Municipality or Ward in which the property is situated, and by serving on the defaulter a notice in the form marked (D) in the second schedule:

Provided that if the property is of a perishable nature, it may be sold, with the consent of the defaulter, at any time after the expiry of twenty-four hours from the seizure.

Officer may break open door.

114. The officer charged with the execution of the warrant may, under the special order of the Commissioners, between sunrise and sunset, break open any outer or inner door or window of a house, in order to make the distress, if he has reasonable ground for believing that such house contains any moveable property belonging to the defaulter, and if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Provided that he shall not enter or break open the door of any room appropriated for the zanáná, or residence of women, which by the usage of the country is considered private, except after three hours' notice and opportunity given for the retirement of the women.

Sale how to be conducted

115. If the sum due be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Commissioners, the moveable property seized shall be sold by auction, at the time and place specified, in the most public manner possible, and the proceeds shall be applied in discharge of the arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure; or if unclaimed for a period of twelve months, shall be transferred to the Municipal Fund.

The tax-collector or other officer authorized in that behalf shall make a return of all such sales to the Commissioners in the form marked (E) in the second schedule.

Return of sales.

116. All officers and servants of the Commissioners, and all chaukidárs, constables, and other officers of Police, are prohibited from purchasing any property at any such sale.

Certain persons prohibited from purchasing at sales.

117. The Commissioners shall cause a regular account to be kept of all distresses levied and sales made for the recovery of taxes under this Act.

Commissioners to keep account of distresses and sales.

118. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the Municipality, the Magistrate may, on the application of the Commissioners, issue his warrant to any officer of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall endorse the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Commissioners.

Sale of property beyond limits of Municipality.

119. No distress or sale made under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any error, defect, or want of form in the bill, notice, summons, warrant of distress, inventory, or other proceeding relating thereto.

Distress or sale not unlawful for want of form.

120. Instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of any tax, the Commissioners may sue the person liable to pay the same in any court of competent jurisdiction.

Commissioners may bring suit instead of distraining, or on failure of distress.

Irrecoverable taxes.

121. The Commissioners may order to be struck off the books the amount of any tax or rate which may appear to them to be irrecoverable.

Of the Tax on Carriages, Horses, and other Animals.

Tax on carriages, horses, and other animals.

122. When it has been determined that a tax on carriages, horses, and other animals specified in the third schedule shall be imposed, the Commissioners at a meeting shall make an order that every carriage, horse, and every other animal of the kind specified in the third schedule which is kept or habitually used within, or which is let for hire within or without the Municipality, and habitually used within it, shall pay the tax, and shall cause such order to be published in the manner prescribed by section three hundred and sixty-five.

Such order shall be published at least one month before the beginning of the half-year in which such tax shall first take effect; and shall specify at what rates, not exceeding the rates given in the third schedule, such tax shall be levied.

But such tax shall not be imposed on—

(*a*) horses or ponies belonging to officers doing regimental duty, at the rate of one animal for each officer;

(*b*) animals exempt from any municipal tax under section 25 of the Indian Volunteers' Act, 1869;

(*c*) carriages or animals belonging to Government, or to the Municipality, or for keeping which for the execution of their duty an allowance is made by the Government or by the Commissioners to any of their officers;

(*d*) animals used by, or exclusively for the purposes of, any regiment;

(*e*) horses or ponies used by police officers, at the rate of not more than one for each officer;

(*f*) carriages, the wheels of which do not exceed twenty-four inches in diameter;

(*g*) animals under eleven hands in height;

(*h*) carriages or animals kept for sale by any *bonâ fide* dealer in such carriages or animals, and not used for any other purpose.

123. Any order of the Commissioners imposing a tax under the last preceding section shall continue in force until rescinded, and the tax shall be levied at the rates specified in the order published as aforesaid, unless and until the Commissioners at a meeting, held not less than fifteen days before the end of the year, make and publish an order specifying any different rates at which the tax shall be payable for the ensuing year.

Tax so fixed to continue in force until altered

124. In any Municipality in which a tax has been imposed under the last preceding section, the owner of every carriage, horse, and other animal specified in the third schedule shall, within the first month of each half-year, forward to the Commissioners a statement in writing, signed by him, containing a description of the carriages, horses, and other animals liable to the tax for which he is bound to take out a license.

Licenses how to be obtained.

Such owner shall at the same time pay to the Commissioners such sum as shall be payable by him for the current half-year for the carriages, horses, and other animals specified in such statement, according to the rates specified in any order for the time being in force under the two last preceding sections.

125. If any person acquires possession at any time after the commencement of any half-year, of any carriage, horse, or other animal specified in the third schedule, in respect of which no license has been given for such half-year, he shall forward a statement as above required within one month of the date on which he may have acquired possession thereof, and shall pay such amount of the tax as shall bear the same proportion to the whole tax for the half-year as the unexpired portion of the half-year bears to the half-year; and such amount shall be calculated from the date on which such person may have acquired possession as aforesaid.

Proportionate tax on carriages, &c., acquired during half year

126. On receiving the amount of the tax due as aforesaid, the Commissioners, or some person authorised by them in that behalf, shall give to the person paying the same a license for the several carriages, horses, and other animals for the period in respect of which the amount is received.

On payment of tax, Commissioners to give a license.

Such license shall be for the current half-year and no longer.

Carriage, &c, liable to the tax although the owner be absent

127. Whenever the owner of any carriage, horse, or other animal liable to pay the said tax is not resident within the limits of the Municipality to the Commissioners of which the tax is due, the person in whose immediate possession the carriage, horse, or other animal is for the time being kept shall take out a license for the same.

Penalty

128. Whoever keeps or is in possession of any carriage, horse, or other animal without the license required by the three last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

Commissioners may compound with livery stable-keepers

129. The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages or animals for hire, for a certain sum to be paid for the carriages or animals so kept by such person, in lieu of the tax at the rates specified in any order made by the Commissioners under sections one hundred and twenty-two and one hundred and twenty-three.

List of persons licensed to be prepared

130. The Commissioners shall from time to time cause to be prepared and entered in a book, to be kept by them, and to be open to the inspection of any person interested therein, a list of the persons to whom, during the then current half-year, a license has been given, and of the carriages, horses, and other animals in respect of which they have paid the tax.

Power to inspect stable, &c, and to summon persons liable to the payment of the tax

131. The Commissioners, or any person authorized by them in that behalf, may at any time between sunrise and sunset enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage, horse, or other animal liable to the tax for which a license has not been duly taken out.

And the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any such tax, or any servant of such person, and may examine such person or servant as to the number and description of the carriages, horses, and other animals in respect of which such person is liable to be taxed.

Refund of tax in certain cases.

132. On proof being given to the satisfaction of the Commissioners that a carriage, horse, or other animal for which a license has been taken out for any half-year has ceased to be kept or to be used within the Municipality during the course of such half-year, the Commissioners shall order a refund of so much of the tax for the half-year as shall bear the same proportion to the whole tax for the half-year as the period during which such carriage, horse, or other animal has not been kept or used in the Municipality bears to the half-year; but no such refund shall be allowed unless notice be given to the Commissioners within one month of the time when such use of such carriage, horse, or other animal ceased, and the Commissioners shall pass no order for refund until after the close of the half-year in respect of which the refund is claimed.

Of the Registration of Carts.

Registration and number of carts.

133. The Commissioners at a meeting may make and publish an order that every cart, which is kept or habitually used within, or which is let for hire within or without the Municipality and habitually used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct.

This section shall not apply to carts—

(*a*) which are the property of the Government or of the Municipality;

(*b*) which are kept without the limits of the Municipality, and are only temporarily and casually used within such limits;

(*c*) which are kept in Howrah or within the Suburbs of Calcutta.

134. The registration of carts under the last preceding section shall be made, and the numbers assigned yearly or half-yearly, upon such days as the Commissioners shall notify, and such fee as they shall from time to time fix and notify, not exceeding four rupees if the registration has effect for a year, and not exceeding two rupees if the registration has effect for half a year, shall be paid for each registration.

Fee for registration.

135. Any person becoming possessed of any cart which has not been registered for the then current period of registration, shall register the same within one month of the date on which he may have become possessed thereof, and the Commissioners shall grant registration in any such case on payment of such amount of the fee as shall bear the same proportion to the whole fee for the current period of registration as the unexpired portion of the current period of registration bears to the whole of such period; and such fee shall be calculated from the date on which such person may have become possessed as aforesaid.

Proportionate payment of fee.

136. When the ownership of any registered cart is transferred within any period of registration, it shall be registered anew within one month of the transfer in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Transfer of ownership.

137. Whoever keeps or is in possession of a cart not duly registered as required by the three last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix thereto the registration number as required by section one hundred and thirty-three, shall be liable to a fine not exceeding five rupees.

Penalty.

138. If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners, or any person authorized by them in that behalf, may seize and detain such cart (provided the same be not employed

Seizure and sale of unregistered cart.

at the time of seizure in the conveyance of any passengers or goods) together with the animals drawing the same, and all police officers are required, on the application of the Commissioners, or of any servant of the Commissioners duly authorized in that behalf, to assist in the said seizure.

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expiration of ten days they will sell such vehicle and animals by auction at such place as they may state in the notice; and if any registration fee, together with the cost arising from such seizure and custody, remains unpaid for ten days after the issue of such notice, the Commissioners may sell the property seized for payment of the said fee, and of all expenses occasioned by such non-payment, seizure, custody, and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and if unclaimed after such period, shall be credited to the Municipal Fund.

Provided that if at any time before the sale is concluded the person whose cart has been seized shall tender to the Commissioners, or the person authorized by them to sell the cart, the amount of all the expenses incurred, and the registration fee payable by him, the Commissioners shall forthwith release the cart so seized.

Notwithstanding anything contained in this section, the surplus of the sale proceeds of a cart seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any cart which has been seized under this section may be sold for the realization of any such fine.

Of Tolls on Ferries.

Existing public ferries.

139. The Lieutenant-Governor may, with the consent of the Commissioners, make over to the Commissioners any existing public ferry within or adjacent to the limits of the Municipality, to be administered by such Municipality until the Lieutenant-Governor shall otherwise direct.

Every ferry while so administered shall be deemed to be a municipal ferry, and the profits derivable therefrom, or such part of the profits as the Lieutenant-Governor shall order, shall be carried to the credit of the Municipal Fund.

Other ferries may be declared to be municipal.

140. The Commissioners may also, with the sanction of the Lieutenant-Governor, declare that any other ferry within or adjacent to the limits of the Municipality is a municipal ferry, and the profits derivable therefrom shall thenceforward be carried to the credit of the Municipal Fund:

provided that due compensation shall be made by the Municipality to any person for the loss which he may have sustained in consequence of such ferry being declared to be a municipal ferry.

The amount of compensation due in such cases shall be ascertained and awarded by the Magistrate under the provisions of section 4 of Bengal Act I of 1866 (*to amend certain provisions of Regulation VI of* 1819) or any similar law for the time being in force.

Duties of Commissioners in regard to such ferries.

141. Every municipal ferry shall be maintained by the Commissioners, and they shall do all things necessary to provide for the safety and convenience of travellers, and the safety of property to be conveyed in such ferry.

Rate of tolls to be established and published.

142. When it has been determined to impose tolls on municipal ferries, the Commissioners at a meeting shall make and publish an order specifying the ferries, and, with the sanction of the Lieutenant-Governor, the rates at which such tolls shall be levied.

Such rates may from time to time be varied with the like sanction.

When persons crossing river not liable to toll.

143. No person shall be liable to pay any toll for crossing any river or stream at or near a municipal ferry unless he avails himself of the means provided by the Commissioners for crossing such river or stream.

Cancellation of ferry lease, &c.

144. Every lease of a ferry given by the Commissioners as hereinafter provided shall be liable to be cancelled at once, if it shall appear to the Commissioners at a meeting that the lessee has failed to make due

provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from the Commissioners.

On the cancelment of a lease, the Commissioners may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry; and may either retain the same permanently on payment of a fair price to the proprietor, or may retain them for such time as may be necessary, not exceeding three months, until they can make arrangements for such other boats and appliances as may be necessary, in which case the Commissioners shall pay a fair price to the owners for the use of the said boats and appliances.

Provided that within a week of taking such possession the Commissioners shall be bound to give notice to the said lessee of their intention to retain the said boats and appliances permanently, or of the period during which they intend to retain them, as the case may be.

Toll must be prepaid.

145. Any collector or lessee of tolls, or his agent, may refuse to convey any person or goods across a municipal ferry until the proper toll has been paid, and may require any person who refuses to pay the toll to leave the boat and to remove his goods from it.

Penalty.

Any person who refuses to leave a municipal ferry-boat or to remove his goods therefrom when required to do so under this section, shall be liable to a fine not exceeding ten rupees.

Keeping of unauthorized ferry.

146. No person shall keep a ferry-boat for the purpose of plying for hire within a distance of two miles above or below any municipal ferry without the previous sanction

of the Commissioners, if he plies within the limits of the Municipality,

of the Magistrate of the district, if without such limits,

or of the Magistrate of the district and the Commissioners, if one of the two banks between which he plies is within, and the other bank is without, such limits.

This section shall not apply to any private ferry which may be in existence at the commencement of this Act.

147. Whoever keeps a ferry-boat contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence

Penalty.

Of Tolls on Bridges and Roads.

148. The Lieutenant-Governor may, with the consent of the Commissioners, make over to the Commissioners any existing toll-bar within the limits of the Municipality, to be administered by the Municipality until the Lieutenant-Governor shall otherwise direct; every toll-bar while so administered shall be deemed to be a municipal toll-bar, and the profits derivable from it, or such part thereof as the Lieutenant-Governor shall direct, shall be carried to the credit of the Municipal Fund.

Existing toll-bars.

149. The Commissioners at a meeting, with the sanction of the Lieutenant-Governor, may establish a toll-bar and levy tolls on any bridge or metalled road which they may have constructed after the commencement of this Act, or at any place within the Municipality adjacent to such bridge or metalled road at which tolls may conveniently be levied on vehicles and animals passing over such bridge or road; and the profits derived therefrom shall be carried to the credit of the Municipal Fund.

Commissioners may establish toll-bar.

Provided that no such toll-bar shall be established, or tolls levied, otherwise than for the purpose of recovering the expenses incurred in constructing such bridge or road, and in maintaining such bridge or road in repair for the five years next after the construction thereof, together with interest on such expenses as hereinafter provided.

150. Whenever a toll-bar shall have been established, and tolls shall be levied as provided in the last preceding section, the Commissioners shall at the end of each year publish, by causing it to be posted up at their office, an abstract account showing—

Commissioners to publish expenses, &c., of toll-bars.

(1) the amount of expenses incurred in the construction of such bridge or road, and in the maintenance of the same;

(2) the amount of interest which has accrued due thereon, at the annual rate of six per centum; and

(3) the amount which has been received from the profits of the said toll-bar since its establishment;

and as soon as such expenses and interest shall have been recovered as aforesaid, such toll-bar shall be removed, and tolls shall no longer be levied on such bridge or road.

Rates of tolls to be established and published.

151. When it has been determined that tolls shall be levied on any such bridge or road, the Commissioners at a meeting shall make and publish an order, with the sanction of the Lieutenant-Governor, specifying the rates at which such tolls shall be levied.

Such rates may from time to time be varied with the like sanction.

Power of Collector or lessee in case of refusal to pay toll.

152. Any Collector or lessee of tolls may refuse to allow any person to pass through any municipal toll-bar until the proper toll has been paid.

Penalty for refusing to pay or avoiding payment of toll.

153. Whoever, having driven any vehicle or animal (not exempted from toll) through a toll-gate, refuses to pay the toll, or with intent to evade payment of the toll fraudulently avoids passing through such toll-gate, shall be liable to a fine not exceeding fifty rupees.

In case of non-payment of toll, vehicle, &c., may be seized and sold.

154. If the toll due on any vehicle or animal is not paid on demand, the person authorized to collect the same may seize such vehicle or animal, or any part of its burden, of sufficient value to defray the toll, and shall give immediate notice of such seizure to the Commissioners.

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expiration of ten days they will sell the property seized by auction at such place as they may state in the notice; and if any toll, together with the cost arising from such seizure and custody, remain undischarged for ten days after

the issue of such notice, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and if unclaimed after such period shall be credited to the Municipal Fund.

Provided that if, at any time before the sale has been concluded, the person whose property has been seized shall tender to the Commissioners, or the officer appointed by them to sell the property, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

Notwithstanding anything contained in this section, the surplus of the sale proceeds of any property seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any property which has been seized under this section may be sold for the realization of any such fine.

Of general provisions relating to Tolls on Ferries and Roads.

Lease of ferry or toll-bar.

155. The Commissioners may grant a lease of any municipal ferry or toll-bar for any period not exceeding three years.

Table of tolls to be hung up.

156. A table of tolls legibly written in the vernacular of the district shall be hung up

in some conspicuous position at each end of every municipal ferry,

and in some conspicuous position near every municipal toll-bar, so as to be easily read by all persons required to pay the toll.

Penalty.

157. Whoever, being a toll-collector or lessee of a municipal ferry or toll-bar, neglects to hang up a table of tolls as required by the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence.

158. The Commissioners, or the lessee of any municipal ferry or toll-bar, may compound with any person for a certain sum to be paid by such person for himself, or for any vehicles or animals kept by him, in lieu of the ordinary toll payable.

Composition in respect of toll.

159. No tolls shall be paid for the passage of troops on the march, or of animals or vehicles employed in the transport of such troops,

Exemptions.

or of military or Government stores, or the persons in charge of them,

or of military or police officers, or of any public or municipal officer on duty, or of any person in their custody, or of any property belonging to them or in their custody, or of any vehicle or animal employed by such persons for the transport of such property,

or of conservancy carts or other vehicles, or animals belonging to the Commissioners, or of the persons in charge of them,

or of any animals whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar, provided that tolls shall be leviable for conveying such animals over a ferry;

and the Commissioners or their lessees shall not be bound to allow any person or thing not specified above to cross a ferry or to pass a toll-gate without payment of the prescribed toll;

But the Commissioners at a meeting may exempt any other class of persons or things from payment of the said toll; and in granting a lease of any ferry or toll-bar may stipulate that any municipal servants and property and any other persons or things shall be allowed to pass without payment of the toll.

160. In all cases of resistance to the person authorized to collect tolls, police officers shall assist when required, and for that purpose shall have the same powers as they have in the exercise of their ordinary police duties.

Police officers to assist

161. Whoever, being authorized under this Act to collect tolls, demands or takes any higher tolls than the tolls authorized under this Act, shall be liable to a fine not exceeding fifty rupees, and in default of payment to one month's imprisonment.

Penalty for taking unauthorized tolls.

Of Tolls on Navigable Channels.

Commissioners may be appointed to collect tolls in a navigable channel.

162. If the Lieutenant-Governor has declared that the provisions of the Canals' Act, 1864, or any other similar law for the time being in force, are applicable to any navigable channel which passes through the limits of a Municipality, he may, with the consent of the Commissioners, appoint the Commissioners to collect tolls as provided in section 8 of the said Act until the Lieutenant-Governor shall otherwise direct, and the profits derivable therefrom, or such part thereof as the Lieutenant-Governor may direct, shall be carried to the credit of the Municipal Fund.

In such case the Commissioners shall exercise all the powers vested by such Act in the Collector.

Lieutenant-Governor may order Commissioners to cease levying tolls.

163. The Lieutenant-Governor may at any time order that the Commissioners, or any person authorized by them, shall cease to levy any tolls under the last preceding section, and may at any time withdraw such order; provided that reasonable compensation shall be paid by the Commissioners to any farmer or other person who has entered into a legal contract with the Commissioners for the collection of such tolls, and whose profits under such contract are diminished by an order of the Lieutenant-Governor passed under this section.

PART V.

Of the Municipal Police.

Police in Municipalities to be appointed under Act V of 1861.

164. All police officers appointed or employed in any Municipality shall be appointed under the provisions of Act V of 1861 *(for the Regulation of Police)* or of any similar Act for the time being in force for the regulation of the police in the police district within which the Municipality may be situated, and shall be deemed to be a portion of the police establishments under the

Government of Bengal, and shall be subject to the provisions of any such Act, except as hereinafter provided.

Police paid under Act not to be employed beyond Municipality.

165. Except as provided in the next succeeding section, no police officer who forms part of the strength of the municipal police for which the estimate mentioned in section one hundred and sixty-seven may have been calculated, shall be liable to serve beyond the limits of the Municipality save in execution of duties imposed on him by his employment as a police officer of such Municipality.

Conditions under which Police may be deputed beyond municipal limits.

166. Whenever it shall appear to the Magistrate or to the District Superintendent of Police that it is necessary for the peace and good management of the district in which any Municipality is situated or of any other district, that one or more members of the municipal police force shall be specially deputed to any duty beyond the limits of such Municipality, not being a duty imposed on him or them by their employment as police officers of such Municipality, the Magistrate or District Superintendent may depute such member or members to such duty, which they shall be bound to perform;

Provided that during such deputation, the District Superintendent of Police shall make due provision for the efficient performance of police duties within the Municipality.

In case of and during such deputation, the salaries of the members of the police so deputed, and all other expenses incurred by their deputation, shall be paid by the Local Government and not by the Commissioners.

Preparation of Police estimate.

167. From the commencement of this Act, every District Superintendent of Police shall prepare, in such form as may be directed by the Lieutenant-Governor, an estimate of the income and expense of the Police force in every Municipality within his district for the year next following the preparation of such estimate, and shall present the same to the Commissioners of such Municipality at least four months before the beginning of the year to which the estimate relates.

Contents of estimate.

168 The Police estimate shall show the number, constitution, and salaries of the Police force to be maintained in any such Municipality.

Estimate to be translated and considered by Commissioners.

169. After the receipt of the Police estimate, the Commissioners shall cause the same to be translated into the language usually spoken in such Municipality, and such translation shall be made available for inspection by any tax-payer. The estimate shall also be laid before the Commissioners at their next meeting for consideration.

Estimate to be transmitted to Magistrate and Commissioner of division.

170. After such meeting, the Commissioners shall transmit the Police estimate, together with any remarks or objections which the Commissioners at the meeting may record, to the Magistrate of the district for transmission to the Commissioner of the division, and by him to the Lieutenant-Governor.

Lieutenant-Governor to decide on estimate.

171. The Lieutenant-Governor shall consider the Police estimate so transmitted to him, and may approve, reject, or modify, and approve as modified, the same or any part thereof.

The Lieutenant-Governor shall also determine whether the whole or some, and what part of the expense of the police provided for in such estimate shall be borne by the Municipality to which the same refers:

provided that the expense so to be borne by any Municipality in which the tax on persons is in force shall not exceed, for a first class Municipality, the average rate of one rupee and eight annas in the year, and for a second class Municipality the average rate of one rupee and four annas in the year, for each holding in respect of the occupation of which the tax is imposed:

and provided that the expense so to be borne by any Municipality in which the tax on the value of holdings is in force shall not exceed five per centum on the total annual value of such holdings.

Amount of estimate to be deemed expense of Police Force.

172. So much of the Police estimate as the Lieutenant-Governor may determine to be borne by any Municipality shall, for the purposes of this Act, be the expense of the Police to be borne by such Municipality for the year for which the Police estimate shall have been presented.

The amount which may be finally settled shall be entered in the estimates of the Municipality as prepared under section sixty-four.

Police to be paid monthly.

173. At the close of each month, the District Superintendent of Police shall cause to be prepared and laid before the Commissioners a bill showing the actual expenses incurred during the month in the payment of the Police force, and the contingent expenses thereof; and, so far as the same is in accordance with the Police estimate, the Commissioners shall cause the amount, or the share thereof which is payable by them under the last preceding section, to be paid from the Municipal Fund.

Magistrate may be vested with functions of District Superintendent

174. The Lieutenant-Governor may at any time direct that the Magistrate in charge of any division of a district shall be deemed to be the District Superintendent of Police in respect of the Police of any Municipality within his division, or may direct that such Magistrate shall exercise any of the functions of District Superintendent of Police in regard to the Police of any such Municipality.

Saving of authority of Commissioner of Calcutta Police in suburbs.

175. Nothing in this Act shall deprive the Commissioner of Police for the town of Calcutta of any power or authority over the Police in the Suburbs of Calcutta vested in him by Bengal Act II of 1866 (*for the better regulation of the Police within the suburbs of the town of Calcutta*).

And the Inspector-General of Police is hereby precluded from exercising over the Police within the said suburbs any of the powers and authorities vested in him by the said Act V of 1861.

Deputy Commissioner of Police for Suburbs of Calcutta deemed to be District Superintendent under this Act for Suburbs.

176. The Deputy Commissioner of Police for the suburbs of Calcutta shall, for the purposes of this Act, be deemed to be the District Superintendent of the said suburbs.

PART VI.

Of Municipal Regulations which shall be generally in force in all Municipalities.

General.

Operation of this Part

177. The provisions of this Part shall be in force in every Municipality, unless and until the Lieutenant-Governor shall otherwise direct.

Lieutenant-Governor may order provisions of this Part to be not in force in a Municipality

178. The Lieutenant-Governor may at any time make an order directing that all or any of the said provisions shall not be in force in any Municipality, or in any part thereof; and the provisions mentioned in such order shall cease to be in force in such Municipality or part thereof from the date specified in such order.

The Lieutenant-Governor may at any time cancel or modify any order made under this section.

Procedure when owners or occupiers required to execute works by Commissioners.

179. Whenever it is provided in this Part or in Part VII that the Commissioners or the Commissioners at a meeting may require the owners or the occupiers, or may require the owners and the occupiers, of any land to execute any work or to do anything within a specified time, such requisition shall be made, as far as possible, by a notice to be served as provided in sections three hundred and sixty-seven and three hundred and sixty-eight on every owner or occupier who is required to execute such work or to do such thing; but if there be any doubt as to the persons who are owners or occupiers, such requisition may be made by a notification to be posted up on or near the spot at which the work is required to be executed or the thing done, requiring the owners or the occupiers, or requiring the owners and occupiers to execute such work or to do such thing within a specified time; and in such notification it shall not be necessary to name the owners or occupiers.

Every requisition as aforesaid shall give notice to the persons to whom it is addressed that, if they fail to comply with the requisition, or to prefer an objection against such requisition as provided in the next succeeding section, the Commissioners will enter upon the land and cause the required work to be executed or the required thing to be done, and that in such case the expenses incurred thereby will be recovered from the persons who are required in such requisition to execute such work or do such thing.

Person required to execute any work may prefer objection to the Commissioners.

180. Any person who is required by a requisition as aforesaid to execute any work or to do any thing, may, instead of executing the work or doing the thing required, prefer an objection in writing to the Commissioners against such requisition within five days of the service of the notice or posting up of the notification containing the requisition; or if the time within which he is required to comply with the requisition be less than five days, then within such less time.

Except as provided in the next succeeding section, such objection shall be heard and disposed of by the Chairman or Vice-Chairman.

Procedure if person objecting alleges that work will cost more than Rs 300

181. If the objection shall allege that the cost of executing the work or of doing the thing required will exceed three hundred rupees, such objection shall be heard and disposed of by the Commissioners at a meeting, unless the Chairman or Vice-Chairman shall certify that such cost will not exceed three hundred rupees, in which case the objection shall be heard and disposed of by the Chairman or Vice-Chairman.

Provided that in any case in which the Chairman or Vice-Chairman shall have certified his opinion as aforesaid, and the objection shall in consequence thereof have been heard and disposed of by the Chairman or Vice-Chairman, the person making the objection may, if the requisition made upon him is not withdrawn on the hearing of his objection, pay in the said sum of three hundred rupees to the Commissioners as the cost of executing the work or the thing required; whereupon such person shall be relieved of all further liability and obligation

in respect of executing the work or doing the thing required, and in respect of paying the expenses thereof; and the Commissioners themselves shall execute such work or do such thing, and shall exercise all powers necessary therefor.

Chairman, &c., may make order after hearing objection.

182. The Chairman or Vice-Chairman, or the Commissioners at a meeting, as the case may be, shall, after hearing the objection and making any inquiry which they may deem necessary, record an order withdrawing, modifying, or making absolute the requisition against which the objection is preferred, and if such order does not withdraw the requisition, it shall specify the time within which the requisition shall be carried out, which shall not be less than the shortest time which might have been mentioned under this Act in the original requisition.

Order to be explained orally.

183. If the person making such objection be present at the office of the Commissioners, the said order shall be explained to him orally; and if such order cannot be so explained, notice of such order shall be served as provided in section three hundred and sixty-seven on the person making the objection; and such explanation of or service of the notice of the said order shall be deemed a requisition duly made under this Act to execute the work or do the thing required.

Power of Commissioners on failure of person to execute work.

184. If the person or persons required to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or to do such thing, and thereafter diligently to continue the same to the satisfaction of the Commissioners until it is completed, the Commissioners or any person authorized by them in that behalf may, after giving forty-eight hours' notice of their intention by a notification to be posted up on or near the spot, enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required; and the expenses thereby incurred shall be paid by the owners or by the occupiers, if such requisition was addressed to the owners or to the occupiers respectively, and by the owners and the occupiers, if such requisition was addressed to the owners and the occupiers.

Commissioners may apportion expenses among owners.

185. Whenever any expenses incurred by the Commissioners are to be paid by the owners of any land as provided in the last preceding section, the Commissioners may, if there be more than one owner, apportion the said expenses among such owners in such manner as to the Commissioners may seem fit.

And whenever any such expenses are to be paid by the occupiers of any land, as provided in the last preceding section, the Commissioners may, if there be more than one occupier, apportion the said expenses among such occupiers in such manner as to the Commissioners may seem fit.

Apportionment among owners and occupiers.

186. Whenever any expenses incurred by the Commissioners are to be paid by the owners and occupiers of any land, as provided in section one hundred and eighty-four, the Commissioners may apportion the said expenses among the said owners and occupiers in such manner as to the Commissioners may seem fit.

Recovery of expenses incurred or fee chargeable.

187. Any expenses incurred, or fee chargeable, by the Commissioners under this Part or Part VII, may be recovered from the person liable to pay the same as an arrear of tax under sections one hundred and eleven to one hundred and twenty (both inclusive).

The demand for such expenses or fee shall be made by notice at any time within three months from the date on which the amount thereof shall have been ascertained.

Occupier may recover cost of works executed at his expense from owner.

188. Whenever any works or any alterations and improvements of which the Commissioners are authorized by this Part or Part VII to require the execution, are executed by the occupier on the requisition of the Commissioners, or are executed by the Commissioners, and the cost thereof is recovered from the occupier, the cost thereof may, if the Commissioners shall certify that such cost ought to be borne by the owner, be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction.

Liability to pay expenses or fees may be contested in civil court.

189. Any owner or occupier of land may contest his liability to pay any expenses or fees under this Part or Part VII, or may contest the amount which he has been called upon to pay, in a civil court of competent jurisdiction; provided that the fact of such action having been instituted shall be no bar to the recovery of the said amount in the manner provided by section one hundred and eighty-seven.

Damages and compensation how to be determined

190. Where any damages or compensation are by this Chapter directed to be paid by the Commissioners, the amount and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by a civil court of competent jurisdiction.

Method of proceeding before the Court.

191. In any such case which is to be determined by such Court, such Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, such Court may hear and determine such question, and, for that purpose may examine such parties or any of them, and their witnesses, on oath or affirmation, and the costs of every such inquiry shall be in the discretion of such Court, which shall determine the amount thereof.

Recovery of damages by distress.

192. If the amount of damages or compensation ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered under a warrant of such Court by distress and sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

Of Offensive Matter, Rubbish, Privies, and Drains.

Establishments for removal of offensive matter and rubbish.

193. The Commissioners shall provide all establishments, cattle, carts, and implements required for the removal of offensive matter and rubbish.

194. The Commissioners at a meeting may, from time to time, by an order published as prescribed in section three hundred and sixty-five, appoint the hours within which it shall be lawful to remove offensive matter and the manner in which the same shall be removed, and may provide places convenient for the deposit thereof, and may require the occupiers of houses to cause the same to be deposited daily, or at other stated intervals, in such places, and may remove the same at the expense of the occupier from any house if the occupier thereof fails to do so in accordance with this Act.

Hours and mode of removal of offensive matter and rubbish.

195. Whenever such order shall have been published, no mehter, nightman, or other servant of the Commissioners employed to remove offensive matter, shall withdraw from his duties without the permission of the Commissioners, unless he has given notice in writing not less than one month previously of his intention so to withdraw.

Mehters must give one month's notice if they leave the service of the Commissioners.

Any mehter, nightman, or other such person who after the said publication withdraws from his duties without giving such notice as aforesaid, shall be liable to rigorous imprisonment for a term not exceeding one month, and shall forfeit all salary which may be due to him.

196. The Commissioners at a meeting may from time to time, by an order published as prescribed in section three hundred and sixty-five, appoint the hours within which only every occupier of any house or land may place rubbish on the public road adjacent to his house or land in order that such rubbish may be removed by the Commissioners, and the Commissioners may charge such fees as they may think fit in respect of the removal of such rubbish, with the consent of the occupier of any house or land, from such house or land, or in respect of the removal from such public road of any rubbish which has accumulated in the exercise of a trade or business.

Commissioners may appoint hours for placing rubbish on public road.

197. Whenever any order as provided in the last preceding section shall have been published in a Municipality, every occupier of any house

Penalty.

or land who shall place or who shall allow his servants to place rubbish on a public road at other than the appointed times, shall be liable to a fine not exceeding twenty rupees.

Penalty on occupier of a house not removing filth.

198. Whoever, being the occupier of a house in or near any public road, keeps or allows to be kept for more than twenty-four hours, otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth, or any noxious or offensive matter, in or upon such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same, shall be liable to a fine not exceeding fifty rupees.

Drains, privies, &c., under control of Commissioners.

199. All drains, privies, and cesspools shall be under the survey and control of the Commissioners.

Inspection of drains, privies, and cesspools.

200. The Commissioners or any officer authorized by them in that behalf, may inspect all privies, drains, and cesspools at any time between sunrise and sunset, after six hours' notice in writing to the occupier of any premises in which such privies, drains, or cesspools are situated, and may, if necessary, cause the ground to be opened where they or he may think fit for the purpose of preventing or removing any nuisance arising from such privies, drains, or cesspools; and the expenses thereby incurred shall be paid by the owner or occupier of such premises.

Common privies.

201. The Commissioners may provide and maintain, in sufficient numbers and in proper situations, common privies and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleansed.

Licensing of public necessaries.

202. The Commissioners may license such necessaries for public accommodation as they from time to time may think proper; and whoever shall keep any public necessary without such license, or having a license for a public necessary shall suffer the same to be in a filthy or noxious state, or shall neglect to employ proper means for

cleansing the same, shall be liable to a fine not exceeding fifty rupees, and such license may be withdrawn.

Penalty for not keeping drain, &c., in proper state.

203. Whoever, being the owner or occupier of any private drain, privy, or cesspool, shall neglect or refuse, after warning from the Commissioners, to keep the same in a proper state, shall be liable to a fine not exceeding fifty rupees.

Power to require owners to clear noxious vegetation and to improve bad drainage.

204. Whenever any land being private property, or within any private enclosure, appears to the Commissioners, by reason of thick or noxious vegetation or jungle, to afford facilities for the commission of a nuisance, or by want of drainage to be in a state injurious to health or offensive to the neighbourhood, the Commissioners may require the owners or occupiers, or the owners and occupiers of such land, within fifteen days, to clear and remove such vegetation or drain such land.

Provided that if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

Penalty.

205. Whoever, being an owner or occupier of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

All rubbish collected to be the property of Municipal Commissioners.

206. All rubbish and offensive matter collected by the Commissioners from roads, privies, sewers, cesspools, and other places, shall be the property of the Commissioners, who shall have power to sell or otherwise dispose of the same; and the money arising from the sale thereof shall be carried to the credit of the Municipal Fund.

207. All existing public sewers, drains, and other conservancy works, shall be under the direction and control of the Commissioners, who shall have power to construct any further works of that nature which they may consider necessary.

Sewers, drains, &c., under control of the Commissioners.

Of Bathing and Washing Places and Tanks.

208. All streams, channels, water-courses, tanks, reservoirs, springs, and wells, not being private property, shall, for the purposes of this Act be under the direction and control of the Commissioners.

All public streams, &c., to be under direction and control of the Commissioners.

209. The Commissioners may, by order published at such places as they may think fit, set apart convenient tanks, or parts of rivers, streams, or channels, not being private property, for the supply of water for drinking and for culinary purposes, and may prohibit therein all bathing, washing of clothes and animals, or other acts calculated to pollute the water set apart for the purposes aforesaid;

and may similarly set apart a sufficient number of the same for the purposes of bathing;

and a sufficient number for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

Bathing places, &c.

210. Whoever disobeys an order passed by the Commissioners under the last preceding section, shall be liable to a fine not exceeding fifty rupees.

Penalty.

211. The Commissioners at a meeting may require the owners or occupiers, or the owners and occupiers of any land, within eight days, to cleanse any private tank or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood.

Power to require unwholesome tanks on private premises to be cleansed or drained.

Provided that if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is required to drain his

land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

Penalty.

212. Whoever, being an owner of land, fails to comply with a requisition under the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Of Obstructions and Encroachments on Roads.

Power to close a road or part of a road for repairs or other public purpose.

213. The Commissioners may close temporarily any road or part of a road for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert, or bridge, or for any other public purpose.

Whenever, owing to such repairs or constructions, or from any other cause, any road or part of a road shall be in a state which is dangerous to passengers, the Commissioners shall cause sufficient barriers or fences to be erected for the security of life and property, and shall cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

Penalty for erecting obstruction on road, drain, &c.

214. Whoever, without the permission of the Commissioners, by making any excavation or erecting any wall, fence, rail, post, or other obstruction, encroaches upon any drain, sewer, or aqueduct, shall be liable to a fine not exceeding fifty rupees.

Removal of future obstructions or encroachments in road.

215. The Commissioners may issue a notice requiring any person to remove any wall which he may have built, or any fence, rail, post, or other obstruction or encroachment, which he may have erected in or on any road or open drain, sewer, or aqueduct, after the date on which the District Municipal Improvement Act, 1864, or the District Towns Act, 1868, as the case may be, took effect in the Municipality; or in case neither of the said Acts was in force in the Municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto; and if such person shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate

may, on the application of the Commissioners, order that such obstruction or encroachment be removed; and thereupon the Commissioners may remove any such obstruction or encroachment; and the expenses thereby incurred shall be paid by the person who erected the same.

No person shall be entitled to compensation in respect of the removal of any wall, fence, rail, post or other obstruction under this section.

Penalty.

216. Whoever fails to comply with a requisition under the last preceding section, within the period specified in such requisition, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition until the wall, fence, rail, post, or other obstruction or encroachment is removed.

Procedure when person who erected obstruction cannot be found.

217. If the person who built or erected the said wall, fence, rail, post, or other obstruction or encroachment is not known or cannot be found, the Commissioners may cause a notice to be posted up in the neighbourhood of the said wall, fence, rail, post, or other obstruction or encroachment, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition; and if the said wall, fence, rail, post or other obstruction or encroachment be not removed in compliance with the requisition contained in such notice within eight days of the posting up of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed; and thereupon the Commissioners may remove any such obstruction or encroachment and may recover the cost of such removal by sale of the materials so removed.

Any surplus of such sale proceeds shall on demand be restored to the owners of such materials, and, if unclaimed, shall, after the lapse of one year, be carried to the credit of the Municipal Fund.

Projections from houses erected in future to be removed.

218. The Commissioners may give notice in writing to the owner or occupier of any house requiring him to remove or alter any projection, encroachment, or obstruction erected or

placed against or in front of such house which may have been so erected or placed after the date on which the District Municipal Improvement Act, 1864, or the District Towns Act, 1868, as the case may be, took effect in the Municipality, or in case neither of the said Acts was in force in the Municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto, if the same overhangs the road, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road;

or obstructs or projects or encroaches into or upon any aqueduct, drain, or sewer in such road;

and if such owner or occupier shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the application of the Commissioners, order that such projection, encroachment, or obstruction be removed or altered, and thereupon the Commissioners may remove or alter such projection, encroachment, or obstruction, and the expenses thereby incurred shall be paid by the owner or occupier so making default.

No person shall be entitled to compensation in respect of the removal of any projection, obstruction, or encroachment under this section.

Penalties.

219. Whoever fails to comply with a requisition under the last preceding section, within the period specified in such requisition, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition until the projection, encroachment, or obstruction is removed.

Effect of order made under sections 215, 217, 218.

220. Every order made by the Magistrate under section two hundred and fifteen, section two hundred and seventeen, or section two hundred and eighteen, shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act XVIII of 1850 (*for the protection of Judicial Officers*).

Houses projecting beyond line of road when taken down to be set back

221. Whenever any house, part of which projects beyond the regular line of a road, or beyond the front of the house on either side thereof, shall be burnt down or otherwise destroyed, or shall be taken down in order to be rebuilt or repaired, the Commissioners may require the same to be set back to, or beyond the line of the road, or the line of the adjoining house, and shall make reasonable compensation to the owner of such house for any damage he may thereby sustain.

Power to trim hedges and trees bordering roads

222. The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges bordering on any road, and to cut and trim any trees overhanging any road and obstructing the same or causing damage thereto.

Penalty

223. Whoever fails to comply with a requisition under either of the two last preceding sections, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees, for each day during which he fails to obey such order after he has been required to obey the same.

Of General Conservancy and Improvement.

Wells, tanks, &c, to be secured

224. If any well, tank, or other excavation, whether on public or private ground, be, for want of sufficient repairs or protection, dangerous to passengers, the Commissioners shall forthwith, if it appears to them to be necessary, cause a temporary hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers of the land on which such tank, well, or other excavation is situated, forthwith properly to secure or protect such well, tank, or other excavation.

Penalty

225. Whoever fails to comply with a requisition under the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence

Houses, &c., in a ruinous or dangerous state.

226. If any house, wall, structure, or anything affixed thereto, be deemed by the Commissioners to be in a ruinous state, or in any way dangerous, they shall forthwith, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers of the land to which such house, wall, or structure is affixed, forthwith to cause such repairs to be made to such house, wall, or structure as they may consider necessary for the public safety, or to remove such house, wall, structure, or thing affixed thereto.

Penalty.

227. Whoever fails to comply with a requisition under the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees, for each day after the expiration of eight days from the issue of the requisition until the said house, wall, or structure is secured or taken down.

Power to enter upon possession of houses so repaired.

228. If the Commissioners shall have caused any repairs to be made to any house or other structure, and if such house or other structure be unoccupied, the Commissioners may enter upon possession of the same, and may retain possession thereof until the sum expended by them on the repairs be paid to them.

Sale of materials of houses, &c., pulled down.

229. The materials of anything which shall have been pulled down or removed under the provisions of section two hundred and twenty-six may be sold by the Commissioners, and the proceeds of such sale may be applied, so far as the same will extend, to the payment of the expenses incurred.

Any surplus of such sale proceeds shall on demand be restored to the owner of such materials, and, if unclaimed, shall, after the lapse of three years, be carried to the credit of the Municipal Fund.

Stray dogs to be killed at certain appointed periods.

230. The Commissioners, or the Magistrate of the district or of the division, may by published order appoint from time to time certain periods within which any dogs without collars, or other marks distinguishing them as private property, found

straying in the roads or beyond the enclosures of the houses of the owners of such dogs, may be destroyed; and such dogs may be destroyed in accordance with such order.

Commissioners may offer rewards for destruction of wild animals.

231. The Commissioners at a meeting may offer rewards for the destruction of wild animals within the limits of a Municipality.

Names of roads and numbers of houses.

232. The Commissioners at a meeting may cause a name to be given to any road and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house; and in like manner may from time to time cause such names and numbers to be altered.

Penalty.

Whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

PART VII.

Of certain Municipal Regulations which may be extended to any Municipality by express orders of the Lieutenant-Governor.

General.

Operation of this Part.

233. No provision contained in this Part shall apply to any Municipality unless and until it has been expressly extended thereto by the Lieutenant-Governor in the manner provided by the next succeeding section.

Lieutenant-Governor may order provisions of this Part to be in force.

234. The Lieutenant-Governor may, on the recommendation of the Commissioners at a meeting, order that all or any of the said provisions of this Part shall be in force in any Municipality; and may, on such recommendation, order that any place in a Municipality be excluded from the operation of the said provisions.

Publication of order.

Such order shall be published in the *Calcutta Gazette*, and the Commissioners shall, within fifteen days of such publication, cause a copy of the same, with a translation thereof into the vernacular, to be posted up at their office, with a notice of the date on which such order shall take effect, and shall cause the same to be published as prescribed in section three hundred and sixty-five;

and the said provisions shall come into force in the Municipality from the date so fixed:

Provided that the date so fixed shall not be less than fifteen days after the publication under the said section, and shall not be more than three months after the publication of the order of the Lieutenant-Governor as aforesaid in the *Calcutta Gazette*.

The Lieutenant-Governor may at any time cancel or modify an order made under this section.

Of Privies, Drains, and Excavations.

Commissioners may require owner or occupier to repair drain, &c.

235. The Commissioners may require the owners or occupiers, or the owners and occupiers of any land, within fifteen days, to repair and make efficient any drain, privy, or cesspool, or to close any cesspool which is situated on such land.

Penalty for throwing rubbish into sewers.

236. Whoever, without the permission of the Commissioners, throws or puts, or permits his servants to throw or put, any offensive matter or the dead body of any animal on to any road, or who throws or puts, or permits his servants to throw or put any earth, rubbish, offensive matter or dead bodies of animals into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

Penalty for allowing water of any sink, &c., or offensive matter to run or drain on any road.

237. Whoever causes or allows the water of any sink, sewer or cesspool or any other offensive matter belonging to him or being on his land to run, drain, or be thrown or put upon any road, or causes or allows any offensive matter to run, drain,

or be thrown into a surface drain near any road, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

Privies must be properly enclosed

238. Every person constructing a privy shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood: and the Commissioners may require any owner or occupier of land on which a privy stands, to cause the same to be shut out from view as aforesaid within fifteen days.

Penalties.

239. Any person constructing a privy and failing to have it shut out from view as aforesaid, shall be liable to a fine not exceeding twenty rupees; and any person failing to comply with a requisition under the last preceding section shall be liable to a fine not exceeding twenty-five rupees, and to a further fine, not exceeding five rupees, for every day during which the offence is continued after the expiration of the time specified in the said notice.

Unauthorized drains leading into public sewers may be demolished

240. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit;

and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

Penalty for altering or making unauthorized drains leading into public sewers

241. Whoever, without the written consent of the Commissioners previously obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding fifty rupees.

Commissioners may require owner to drain land

242. If any land, being within one hundred feet of a sewer, drain, or other outlet into which such land may, in the opinion of the Commissioners, be drained, is not drained to the satisfaction of the Commissioners,

the Commissioners may require the owner within one month to drain the said land into such sewer, drain, or outlet.

Group or block of houses, &c., may be drained by a combined operation.

243. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer, drain, or other outlet already exists, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation;

and the expenses thereby incurred shall be recovered from the owners of such houses in such proportions as shall to the Commissioners seem fit.

Commissioners may alter any drain, &c., made contrary to their orders

244. If any branch drain, privy or cess-pool be constructed contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, rebuilds or unstops any branch drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool as they think fit, or may cause the same to be removed;

and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cesspool was improperly constructed, rebuilt, or unstopped.

Penalty for persons making or altering drains contrary to the orders of the Commissioners.

245. Whoever constructs any such drain, privy, or cesspool, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or without the consent of the Commissioners, constructs, rebuilds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

No latrine to be constructed within fifty feet of a tank

246. No person shall, without the written permission of the Commissioners, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use.

The Commissioners may require any owner and occupier upon whose land any latrine, urinal, cesspool, house-drain, or other receptacle so situated exists or may hereafter be constructed, to remove the same within eight days.

Construction of privy.

247. No person shall, without the written permission of the Commissioners, construct a privy with a door or trap-door opening on to any road or drain. The Commissioners may require any owner or occupier upon whose land any such privy exists to remove the same within eight days.

Penalties

248. Any person constructing a latrine, urinal, cesspool, house-drain, or privy in contravention of the provisions of either of the two last preceding sections, shall be liable to a fine not exceeding twenty-five rupees; and any person failing to comply with any requisition under the said sections shall be liable to a fine not exceeding twenty-five rupees, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from the offence

Power to prohibit excavations

249. The Commissioners at a meeting may by a general order prohibit the making of excavations for the purpose of taking earth therefrom, or for the purpose of storing rubbish or filth therein, and the digging of cesspools, tanks, or pits, without special permission previously obtained from them.

If any such excavation, cesspool, tank, or pit is made after the issue and publication of such order without such special permission, the Commissioners may require the owners and occupiers of the land on which such excavation, cesspool, tank, or pit is made, within eight days to fill up such excavation.

Penalty.

250. Whoever shall dig or make, or cause or suffer to be dug or made therein, any such excavation, cesspool, tank, or pit without the written permission of the Commissioners, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

Of Obstructions and Encroachments on Roads.

Removal of existing projection from houses.

251. The Commissioners at a meeting may determine on the removal or alteration, as they shall think fit, of any projection, encroachment, or obstruction which may have been erected or placed against, or in front of, any house on any road within the limits of the Municipality, before the date on which the District Municipal Improvement Act, 1864, or the District Towns Act, 1868, as the case may be, took effect in the Municipality, or in case neither of the said Acts was in force in the Municipality before the commencement of this Act, then before the date on which this Act may have been extended thereto.

Notice in writing shall be given to the owner or occupier of such house requiring him to remove or alter the said projection, encroachment or obstruction, or to show cause before the Commissioners why he should not be required so to do; and if such owner or occupier shall fail to comply with such requisition within thirty days of the receipt of the same, or if after such owner or occupier shall have shewn cause against being required to remove or alter the said projection, encroachment, or obstruction, the Commissioners shall make an absolute order directing such removal or alteration, and such owner or occupier shall fail to comply with such order within fifteen days of the date of the same, the Magistrate may, on the application of the Commissioners, order such projection, encroachment, or obstruction to be removed or altered; and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction.

The Commissioners shall make reasonable compensation to every person who suffers damage by any removal or alteration under this section.

In determining the amount of compensation, the value of the land shall not be taken into consideration.

Effect of order made under the last preceding section.

252. Every order made by the Magistrate under the last preceding section shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act XVIII of 1850 (*for the protection of Judicial Officers*).

Leave to deposit materials on, or to excavate or close a road.

25. The Commissioners may grant permission to any person to deposit any moveable property on any road, or to make an excavation in any road, or to enclose the whole or any part of any road, and may charge such fees as they may fix for such permission, provided that such person undertakes to erect sufficient fences to protect the public from injury, danger, or annoyance, and to light such fences from sunset to sunrise sufficiently for such purpose.

Hoards to be set up during repairs.

254. Every person intending to build or take down any house, or to alter or repair the outward part of any house, shall, if any public road will be obstructed or rendered inconvenient by means of such work, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the road, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

Penalty.

255. Every person who begins to build, or to take down or alter, or repair, any house contrary to the provisions of the last preceding section, or who, without license, erects or sets up any hoard, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain

the same in good condition, or who does not, while such hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same within eight days, when directed by the Commissioners, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Of Building Regulations.

Roofs and external walls not to be made of inflammable materials.

256. The Commissioners at a meeting may direct that within certain limits, to be fixed by them, the external roofs and walls of huts or other buildings which are about to be erected, or the roofs or walls of which are about to be renewed or thoroughly repaired, shall not be made of grass, leaves, mats, or other inflammable materials.

Notice of new buildings to be given to the Commissioners.

257. Before beginning, within the limits of any Municipality, to build or rebuild any house, the person intending to build or rebuild such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

Commissioners to signify disapproval within fourteen days.

258. Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or if they disapprove thereof, they shall fix other levels and width of foundation in lieu thereof within the same time.

Houses built without notice, or contrary to provisions of this Act, may be altered by the Commissioners.

259. If such building as is mentioned in section two hundred and fifty-seven be begun or made without sending such notice and plan as are mentioned in the said section, or at any levels different from those fixed by the Commissioners, within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may

require the owner or occupier to cause such building to be altered or demolished, as the case may require.

If Commissioners fail to signify approval, &c., within fourteen days, parties may proceed without.

260. If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or rebuild the house therein referred to, according to the levels and width of foundation shown on such plan:

Provided that such building or rebuilding be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

Erection of new huts to be under the control of the Commissioners.

261. It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest street.

Power to direct removal of huts built without notice.

262. If any such huts or sheds be built without giving such notice to the Commissioners or otherwise than as required by the Commissioners, the Commissioners may require the owners of the land on which such huts and sheds are built, and the occupiers of such huts and sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary.

263. Whoever erects a hut, or any range or block of huts or shed, or adds to any hut or shed, or to any range or block already existing, contrary to the provisions of section two hundred and sixty-one, and whoever fails to remove such hut, block of huts or shed, when required by the Commissioners to do so, shall be liable to a fine not exceeding twenty rupees for every such offence, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

Of Sanitary Measures with regard to Blocks of Huts.

264. Whenever the Commissioners at a meeting are satisfied, from inspection, or by report of competent persons, that any existing block of huts within the Municipality is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

Power of Commissioners as to inspection of huts.

265. On receipt of the said report the Commissioners at a meeting may require the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

On receipt of report Commissioners may cause notice to be served.

266. The Commissioners at a meeting may order that any expenses payable in respect of any work done by them in consequence of the failure of the owners or occupiers to execute such work when required to do so under the last preceding section, shall

Expenses may be recovered by instalments or remitted in case of poverty.

be recovered by instalments from the person liable to pay the same; or if it should appear to them that the said person is unable by reason of poverty to pay the same, may order the same, or any portion thereof, to be paid out of the Municipal Fund.

Sale of huts

267. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners, until the person interested therein shall obtain the order of a Civil Court of competent jurisdiction for the payment of the same.

If Commissioners fail to act, Lieutenant-Governor may take steps.

268. In case the Commissioners should omit to take any action under sections two hundred and sixty-four and two hundred and sixty-five, or in the opinion of the Lieutenant-Governor should fail to give proper effect to the provisions thereof, the Lieutenant-Governor may cause any block of huts to be inspected by the Sanitary Commissioner of Bengal, who shall make a report in writing to the Lieutenant-Governor on the sanitary condition of the locality, and in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Lieutenant-Governor may order Commissioners to serve notice on owners

269. On receipt of the said report the Lieutenant-Governor may order the Commissioners to require the owners or occupiers of the huts, or the owner of the land on which such huts are built, to carry out and execute, within a reasonable time, to be fixed by the Lieutenant-Governor for such purpose, all or any of the works specified in the said report, or any portion thereof respectively, and a requisition made by the Commissioners in accordance with such order shall be deemed to be a requisition made under section two hundred and sixty-five.

270. If the Commissioners make default in carrying out the said order of the Lieutenant-Governor, the Lieutenant-Governor may appoint some officer to perform the same, and such officer may exercise such powers as the Commissioners, or the Commissioners at a meeting, might have exercised in respect of the execution of the required works, and in respect of the recovery of the expenses incurred thereby, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and sixty-seven, and the expenses incurred by such officer in the execution of the said works shall, subject to the provisions of section two hundred and sixty-six, be paid by the owners or occupiers of the huts, or the owner of the land, as the Lieutenant-Governor may direct.

If Commissioners make default in carrying out order, Lieutenant-Governor may carry it out.

Of the Regulation of the Sale of Food, Drink, and Drugs.

271. Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house, within the limits of a Municipality, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place or slaughter-house in a clean and wholesome state.

Markets, slaughter-houses, &c., to be properly drained.

272. If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such place or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding twenty rupees for every day during which such default is continued after issue of the said notice.

Penalty.

273. Any Magistrate, on the application of the Commissioners or any of their officers, setting forth that there is just cause to believe that any article which has been rendered, or has become noxious or unfit

Sale of unwholesome food or drink.

for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered, or exposed for sale, within the limits of a Municipality, as food or drink for man, may grant a warrant to enter upon the premises of such person, and to search for and seize such article;

and if it appear to the said Magistrate that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

Power to Commissioners to enter and inspect markets, shops, &c., and to seize unwholesome articles exposed for sale.

274. The Commissioners, or any person authorized by them in that behalf, may at all reasonable times, enter into and inspect any market, buildings, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, butter, ghee, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

and if it appear to a Magistrate that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

No place to be kept for the sale of drugs unless registered.

275. No place shall be kept for the sale of drugs unless the same shall have been registered in the office of the Commissioners.

Penalty.

276. Whoever uses any such place as is mentioned in the last preceding section without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Inspection of drugs.

277. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and if they have reason to suspect that any drug in the said place is adulterated in

such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt therefor, specifying the nature and quantity of the drug removed, and its approximate value; and if it appear to a Magistrate that the said drug removed as aforesaid is adulterated as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit.

Compensation if drug be not adulterated.

If it shall appear to the said Magistrate that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Magistrate to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Magistrate, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug.

Of Burial and Burning-Grounds.

Registration of existing burial and burning grounds.

278. Within three months from the date on which this and the six next succeednig sections may come into force as provided in section two hundred and thirty-four, every place which is used as a burial or burning-ground for corpses shall be registered as such by the owner thereof in the office of the Commissioners, but no fee shall be charged for such registry.

No burial or burning place henceforth to be formed without leave of Government or of Commissioners.

279. No burial or burning-ground, whether public or private, shall be made or formed, or having lapsed into disuse, shall be again used as such otherwise than with the permission of the Commissioners, or under the authority of the Lieutenant-Governor.

Commissioners may order certain burial or burning-grounds to be closed.

280. If it shall appear to the Commissioners at a meeting that any public or private burial or burning ground is dangerous to health or offensive to the tax-payers, or to the inhabitants of

the neighbourhood, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance, and is open and available to the inhabitants of the Municipality, the Commissioners shall give public notice of their intention to close such burial or burning-ground, and shall consider any objections which may be preferred within fifteen days of the publication of such notice; after considering such objections they may, with the sanction of the Commissioner of the Division previously obtained, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning-ground.

If any building is attached to and used in connection with a burning-ground closed under this section, the Commissioners shall, if the owner of such building make an application to them in that behalf, take over the same on payment of a fair price therefor.

Prohibition to bury or burn in unregistered ground.

281. After the expiration of the three months as mentioned in section two hundred and seventy-eight, no corpse shall be buried or burnt otherwise than in a place which is borne on the register of the Commissioners as an open burial or burning-ground; but the Commissioners may grant special permission for a corpse to be buried or burnt elsewhere.

Penalty.

282. Whoever, after the expiration of the period mentioned in the last preceding section, knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning-ground, shall be liable to a fine not exceeding one hundred rupees.

Commissioners may provide places to be used as burial or burning-grounds.

283. The Commissioners at a meeting may, from time to time, out of the Municipal Fund, with the sanction of the Lieutenant-Governor, provide fitting places to be used as burial or burning-grounds.

Commissioners may provide for burial of paupers free of charge.

284. The Commissioners at a meeting may from time to time out of the Municipal Fund provide for the burial and burning of paupers, free of charge, within the limits of the Municipality.

Of certain Offensive and Dangerous Trades or Occupations.

Certain offensive and dangerous trades not to be established within limits to be fixed by the Commissioners without license.

285. Within such local limits as may be fixed by the Commissioners at a meeting, no place shall be used without a license from the Commissioners, which shall be renewable annually, for any of the following purposes, namely,

melting tallow;

boiling offal or blood;

skinning or disembowelling animals;

as a soap-house, oil-boiling-house, dyeing-house;

as a tannery, slaughter-house, or kiln for making bricks, pottery, tiles, or lime;

as a manufactory or place of business from which offensive or unwholesome smells may arise;

as a yard or depôt for trade in hay, straw, wood, thatching grass, jute, or other dangerously inflammable material;

as a store-house for kerosene, petroleum, naphtha, or any inflammable oil, spirit, or explosive substance;

as a shop for the sale of meat;

or as a serai.

Such license shall not be withheld unless the Commissioners have reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

The Commissioners may impose such conditions in respect of such license as they may think necessary.

This section shall not be applicable, until the expiration of one year from the date on which it may come into force as provided in section two hundred and thirty-four, to any land which may have been used for any such purpose before such date.

Penalty.

286. Whoever, without a license, uses any place for any of the aforesaid purposes within the limits of a Municipality after the expiration of the said time, shall be liable to a fine not exceeding fifty rupees for

every such offence, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners may, in certain cases, order the use of slaughter houses, and the carrying on of dangerous and offensive trades, to be discontinued

287. If it be shown to the satisfaction of the Commissioners at a meeting that any place licensed under section two hundred and eighty-five, or that any place in respect of which the period of one year as mentioned in the said section has not expired, is a nuisance to the neighbourhood, they may, notwithstanding anything contained in the said section, give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

Penalty.

288. Whoever, after the expiration of such time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding forty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Milkman, &c., not to keep animals or cattle without license

289. Within such limits as the Commissioners at a meeting may determine, no milkman, cartman, livery stable-keeper, or keeper of hackney carriages shall keep any horses, ponies, or horned cattle exceeding ten heads for the purposes of trade or of business except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, in the first and seventh month in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit.

Penalty.

290. Whoever being a milkman, cartman, livery stable-keeper, or keeper of hackney carriages, keeps any horses, ponies or horned cattle within such limits without such license, and contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees,

for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

291. Whoever, being the holder of a license under section two hundred and eighty-nine, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Regarding pig-styes, sheep, and cattle.

292. Within such limits as the Commissioners may direct, no person shall keep any pig-stye not being shut out from a road by a sufficient wall or fence, and no person shall keep within such limits more than ten pigs, or more than twenty sheep or goats, otherwise than with the written permission of the Commissioners.

The Commissioners may charge an annual fee, not exceeding two rupees, for such permission, and may impose such conditions in respect of such permission as they may think necessary.

Penalty.

293. Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Suspension or revocation of license, &c.

294. Any Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act relating to the use of any place for a purpose for which a license is required, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, any such license,

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

PART VIII.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

Registration of births and deaths

295. Every Municipality, when required by the Lieutenant-Governor to do so, shall provide for the registration of births and deaths within the limits of its jurisdiction in accordance with the provisions of Bengal Act IV of 1873 (*for registering births and deaths*), or any other similar Act for the time being in force.

On requisition of Government, Commissioners to appoint Sub Registrars at burning ghâts and burial-grounds

296 The Lieutenant-Governor may require the Commissioners of any Municipality to appoint and maintain at each burning ghât and burial-ground for natives a Sub-Registrar for the registration of all corpses brought to such burning ghât or burial-ground for cremation or interment.

Information required by Bengal Act IV of 1873 to be given to such Sub Registrars

297. Whenever a Sub-Registrar shall have been appointed for any burning ghât or burial-ground under the last preceding section, information of the particulars required by section 8 of Bengal Act IV of 1873 to be known and registered may be given in respect of the death of any person whose body is brought to such burning ghât or burial-ground for cremation or interment to such Sub-Registrar, and information so given shall be deemed to be information given to the Registrar of the district as required by the said section.

Section 9 of Bengal Act IV of 1873 shall be applicable to all Sub-Registrars appointed under this Act.

Information of deaths in hospitals

298. Whenever a death shall occur in any hospital within the limits of any Municipality in respect of which the Lieutenant-Governor has directed that all deaths shall be registered under Bengal Act IV of 1873, it shall be the duty of the medical officer in charge of such hospital forthwith to send a notice in writing of the occurrence of such death to the Commissioners in such form as the Lieutenant-Governor may prescribe; and in such case no other person shall be required to give information of such death to a Registrar under Bengal Act IV of 1873, or to a Sub-Registrar under this Act.

PART IX.

OF MUNICIPAL MARKETS.

Operation of this Chapter.

299. This Part shall not apply to any Municipality until it has been expressly extended thereto by the Lieutenant-Governor by notification in the *Calcutta Gazette.*

Power to construct markets.

300. The Commissioners at a meeting may, with the sanction of the Lieutenant-Governor, and not otherwise, provide land for the purpose of being used as Municipal Markets; and may defray the cost of providing such land and of all expenses necessary for the establishment of such markets from the Municipal Fund, and may take a lease of any market;

and may, with such sanction, charge rent, tolls, and fees for the right to expose goods for sale in such markets, and for the use of shops, stalls, and standings therein.

All such rents, tolls, and fees may be recovered as arrears of tax under the provisions of sections one hundred and eleven to one hundred and twenty (both inclusive).

Market Fund.

301. All rents, tolls, fees, and other sums received in respect of any market shall be credited to a separate fund, distinct from the Municipal Fund, which shall be styled "the Market Fund," and all expenses incurred in respect of the market shall be charged against such fund.

Interest on sums expended from Municipal Fund on markets.

Every sum expended from the Municipal Fund under the provisions of this section on any market shall, until such sum be repaid, be treated as a book debt against the Market Fund, bearing interest at the rate of five per centum per annum, and such interest shall be charged against the Market Fund and credited to the Municipal Fund as soon as possible after the close of each year.

Definition of "Municipal Market."

302. No place shall be deemed to be a Municipal Market for which the sanction of the Lieutenant-Governor is required under section three hundred, and no place shall be deemed to be a market to which

the following sections apply, unless at least thirty shops, stalls, or standings are erected therein for the sale of goods.

Commissioners may prohibit use of unlicensed markets

303. The Commissioners at a meeting may order that within such limits as they may fix, no land shall be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables and similar provisions otherwise than under a license to be granted by the Commissioners.

Power to grant licenses for markets.

304. When the Commissioners at a meeting shall have issued an order under the last preceding section, they may at a meeting grant a license for the use of any land as a market for the sale of provisions as aforesaid within the Municipality.

Duration of license and terms on which granted.

305. Every license granted under this Part shall be granted without fee, and shall be in force until the end of the year, and the Commissioners may grant such license, year by year, on the certificate in writing under the hand of the Chairman, annually renewed, that the land is fit to be used as a market for the sale of provisions as aforesaid.

Chairman bound to certify fit places.

306. The Chairman, upon the application in writing of the owner of any land, shall grant such certificate, unless the land be defective for the purposes of a market in drainage, ventilation, water-supply, or proper width of paths and ways.

Existing markets.

307. The owners or lessees of all land used as markets for the sale of provisions as aforesaid at the time of the extension of this Part to the Municipality, shall be entitled to receive a license for the current year without the certificate required by section three hundred and five, but in subsequent years the license shall not be renewed without such certificate.

Licenses to be registered.

308. Every license under this Part shall be registered in a book to be kept for that purpose by the Commissioners in their office, in which shall be stated

(*a*) the name and address of the owner of the land and market;

(*b*) the name and address of the lessee thereof, if any;

(*c*) the extent and boundary of the market;

(*d*) the description of articles sold therein; and

(*e*) the days on which the market will be held.

Transfers to be registered.

309. Every transfer of interest in any such market shall be registered within two months after the date of transfer.

Unregistered markets to be deemed unlicensed.

310. Any market, the license of which or the transfer of interest in which, shall not have been duly registered under the two last preceding sections, shall be deemed to be land used as a market without a license.

Penalty for using unlicensed market.

311. Whoever, being the owner or occupier of any land, wilfully or negligently permits the same to be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables or similar provisions without a license under section three hundred and four, shall be liable to a fine not exceeding two hundred rupees for every such offence, and to a further fine, not exceeding forty rupees, for each day during which the offence is continued after conviction for such offence.

Power to close unlicensed places.

312. The Magistrate, on the application of the Commissioners, may order any land, in respect of which a conviction shall have been obtained under the last preceding section, to be closed as a market place, and thereupon may appoint persons, or otherwise take order, to prevent such land being so used; and every person who shall sell or expose for sale meat, fish, butter, ghee, fruits, vegetables or similar provisions on any land which shall have been so closed, shall be liable, for every such offence, to a fine not exceeding ten rupees.

PART X.

OF BYE-LAWS AND MISCELLANEOUS MATTERS RELATING TO MUNICIPALITIES.

Bye-laws in a first class Municipality.

313. The Commissioners of any Municipality may from time to time, at a meeting which has been convened expressly for the purpose, and of

which due notice shall have been given, make bye-laws not inconsistent with the provisions of this Chapter for—

(*a*) regulating the conduct of business at their meetings;

(*b*) regulating the time and mode of collecting the taxes mentioned in this Chapter;

(*c*) regulating the conduct of persons employed by them;

(*d*) the prevention of the construction or opening of cesspools;

(*e*) regulating the disposal of offensive matter, rubbish, and dead bodies of animals;

(*f*) the regulation and management of privies;

(*g*) regulating traffic in the streets;

(*h*) regulating or prohibiting the use of fire-balloons, fire-works, fire-arms, or other missiles in the vicinity of public roads;

(*i*) the registration of births and deaths;

(*k*) and generally for the purposes of this Chapter.

And the Commissioners of any Municipality to which Part IX may have been extended may similarly make bye-laws for the regulation of markets.

The Commissioners may from time to time, at a meeting as aforesaid, repeal, alter, or add to such bye-laws.

Provided that no fee or toll which is not expressly sanctioned by this Act shall be levied under any such bye-law.

Confirmation of bye-laws.

314. No bye-law, and no repeal, alteration of, or addition to, any bye-law, shall have effect until the same has been confirmed by the Lieutenant-Governor, and until the expiration of one month after the same has been published as provided by section three hundred and sixty-five, and no bye-law, and no alteration of, or addition to, any bye-law shall be sanctioned by the Lieutenant-Governor otherwise than on the recommendation of the Commissioners at a meeting.

Penalties for breach of bye-laws.

315. The Commissioners at a meeting may, with the sanction of the Lieutenant-Governor, declare the penalties which shall be incurred by the breach of any bye-law, and any person committing a breach of any bye-law shall be liable to the penalty so declared; provided

that no higher penalty shall be incurred by the breach of any bye-law than a fine of fifty rupees for every offence specified thereby, and a further fine of ten rupees for each day during which the offence is continued after the offender has been required by a notice in writing to desist from such offence.

Commissioners may direct prosecution for public nuisance.

316. The Commissioners may direct any prosecution for any public nuisance, and may order proceedings to be taken for the recovery of any penalties under this Chapter, and for the punishment of any persons offending against the same, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund.

No prosecution for an offence under this Act to be instituted without consent of Commissioners.

317. No prosecution for an offence under this Chapter or any bye-law made in pursuance thereof shall be instituted without the order or consent of the Commissioners, and no such prosecution shall be instituted except within three months next after the commission of such offence, unless the offence is continuous in its nature, in which case a prosecution may be instituted within three months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman of the Commissioners.

Provided that the failure to take out any license under this Chapter shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

Procedure if Commissioners fail to pay for police, maintain roads, &c.

318. If the Commissioner of the division in which the Municipality is situated shall have reason to believe that the Commissioners have failed to pay for the municipal police as required by this Chapter, or have failed to maintain within the limits of the Municipality any road which without such limits is maintained by a District Committee under the Road Cess Act, 1871,

or have failed to maintain in proper order the roads within the Municipality;

or have failed to make adequate and suitable provision for the cleaning and the conservancy of the Municipality to an extent

likely to be prejudicial to the health of the inhabitants of any part thereof,

the said Commissioner may, with the sanction of the Lieutenant-Governor, convene a committee consisting of

(*a*) the Magistrate of the district, or the Magistrate of the division of the district,

(*b*) the Executive Engineer of the division,

(*c*) the Civil Surgeon of the district,

(*d*) and two members, one of whom shall be nominated by the Commissioner of the division, and the other by the Commissioners at a meeting;

and such committee shall inquire into and report on the state of the Municipality.

The Lieutenant-Governor may, on the report of such committee, call upon the Commissioners by a requisition in writing forwarded to the Chairman, and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Chapter, in respect of all or any of the objects mentioned in this section.

And if the Commissioners neglect, for the period of three months from the date of such publication, to comply with such requisition, the Lieutenant-Governor may direct the Magistrate of the district to raise the necessary funds under the provisions of this Chapter, and carry out the purposes thereof in respect of the said objects, or any of them; and for such purposes the Magistrate of the district shall have all the powers and rights conferred on the Commissioners and the Commissoniers at a meeting by this Act, and shall exercise such powers and rights until the said Lieutenant-Governor shall otherwise direct.

CHAPTER III.

Of Unions.

Extent and commencement of this Chapter.

319. In every place which, in accordance with the provisions of section three, becomes a Union under this Chapter, every person who has been appointed to be a member of a panchait for such place under

Act XX of 1856, and is serving as such member at the commencement of this Act, shall be deemed to be a member of the panchait duly appointed for such Union; and in every such Union any tax which may have been imposed and assessed under the provisions of the said Act shall be deemed to have been imposed and assessed under this Chapter, and may be levied as in this Chapter provided.

Lieutenant-Governor may extend Chapter.

320. The provisions of this Chapter may be extended by the Lieutenant-Governor, by notification published in the *Calcutta Gazette*, to any city, town, suburb or bazar not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, from such date as may be specified therein, and shall thereupon come into force in such city, town, suburb or bazar on the date so specified.

Lieutenant-Governor may vary limits of town or withdraw it from operation of Chapter.

321. The Lieutenant-Governor may, by like notification, at any time vary the limits of any Union, or withdraw any Union from the operation of this Chapter.

Unions may be formed.

322. The Lieutenant-Governor may, by notification to be published in the said *Gazette*, form into a Union for the purposes of this Chapter any city, town, suburb, or bazar, or any part or parts of a city, town, suburb, or bazar with any other city, town, suburb, or bazar, or part or parts of a city, town, suburb, or bazar; but no agricultural village intervening shall be included in such Union.

Government may define limits of towns, &c

323. For the purposes of this Chapter, the Lieutenant-Governor may define and declare the limits of any Union formed under the last preceding section, and all occupiers of houses within any such Union shall be liable to be assessed according to the provisions of this Chapter for the purposes mentioned in the next succeeding section; but such Union shall not include any agricultural village.

Magistrate to raise amount of expense.

324. The Magistrate of every Union shall, by ways and means in and by this Chapter provided, cause to be levied and raised in such Union the amount of the expense of the police to be borne under the provisions of

this Chapter by such Union, and the cost of raising such amount; and the Magistrate may by the same ways and means cause to be levied such further sum as to him shall seem meet, and apply the same in cleansing such Union, in providing drinking-water or in lighting or otherwise improving the same:

Provided that the aggregate amount to be raised under the provisions of this section shall not exceed the average rate of one rupee and eight annas per annum for each house, and the amount assessed in respect of any one house shall not be more than the pay of a police officer of the lowest grade who is appointed to such Union.

The Town Fund

325 All sums raised, levied, or received by the Magistrate, and all fines paid or levied under this Chapter, and all other sums which the Lieutenant-Governor may direct, shall constitute a fund which shall be called the Union Fund of the Union on account of which they are raised, levied, or received; and all expenditure authorized by this Chapter shall be made from such fund.

Magistrate may cause estimates to be prepared.

326. The Magistrate shall, before the close of each year, cause to be prepared in detail estimates showing the probable receipts and expenditure of the Union during the ensuing year, and shall lay such estimates before the Commissioner of the division, who may accept, amend, or reject the same.

Nature of the tax to be levied

327. The tax to be levied in any Union for the purposes of this Chapter shall be an assessment according to the circumstances and the property to be protected of the persons liable to the same.

Constitution of panchaits

328. For the purposes hereinafter mentioned, the Magistrate shall constitute and appoint a panchait for each Union, or when he may see fit to divide any Union into convenient wards, for each ward thereof; and shall issue a certificate of appointment, specifying the names, residence, business, or other description of the persons appointed, and the period for which the appointment is made.

Every panchait shall consist of three or five respectable persons residing or carrying on business in or near to any such Union, or in or near to any such ward thereof:

Provided that instead of any one such person, the Magistrate may appoint any person whom he may think fit to be a member of the panchait notwithstanding such person may not reside or carry on business in or near to such Union, or in or near to any such ward thereof.

Duties of panchait

329. The panchait so appointed, or the majority of them, shall, once in every year, if required so to do by the Magistrate, prepare and make, in accordance with the rules laid down in the requisition, an assessment upon the several persons liable to be assessed in respect of their occupation of property within the Union, or any ward thereof as aforesaid for which the panchait shall be appointed, and shall enter the same in a list which shall specify the names of the several occupiers of property within such Union or ward thereof liable to be assessed under the provisions of this Chapter, the trade, business, or other description of such occupier, the property occupied, and the amount payable monthly by such occupier.

Form of Magistrate's requisition

330. The requisition of the Magistrate to the panchait to make out such list shall be in the form marked (A) set forth in the fourth schedule, or to the like effect.

Panchait may revise existing assessment

331. The panchait shall, if required by the Magistrate so to do, instead of making a new assessment, revise and amend the assessment then in force.

Magistrate may amend and settle assessment as revised by the panchait

332. When an assessment shall have been made or revised, as the case may be, the panchait shall forward to the Magistrate the list containing the same, and the Magistrate shall revise and, if necessary, amend and settle it.

Magistrate may exempt occupiers unable to pay the assessment.

333. The Magistrate may, at his discretion, exempt from the assessment any occupier who may be unable from poverty to pay the same.

334. When the assessment shall have been settled, the Magistrate shall sign the list, and shall cause a copy thereof to be prepared in the form (B) in the fourth schedule, and deposited in his office, and a notification in the form (C) of the said schedule or to the like effect, and written in the language which is ordinarily spoken in such Union, to be published in the manner provided in section three hundred and sixty-five.

Notice of assessment to be published

335 Unless revised or corrected as hereinafter provided, every assessment made under this Chapter shall stand good for one whole year, and until a new one is made.

Assessment to stand good for one year.

In case the occupier of any property included in any assessment shall be changed before a new assessment is made, the new occupier, instead of the former occupier thereof, shall be liable in respect of such property for any portion of the assessment which shall have become payable during his occupation; and, after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupier.

Change of occupation before a new assessment

Every assessment which shall be revised according to the provisions of section three hundred and thirty-one shall be deemed a new assessment;

Revised assessment to be deemed a new one

Provided that if no new assessment is made within the first three months of any year, a notification of the list of the previous year shall be published as required by section three hundred and thirty-four, and such list shall thereupon be deemed to be the assessment for the current year, and shall be open to appeal under the next succeeding section

336. Any person assessed who shall be dissatisfied with his assessment or who shall dispute his occupation of any property, or his liability to be assessed, may appeal to the Magistrate; and the Magistrate, after making such inquiries as he deems necessary, by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment or amend the same.

Appeal from assessment

The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court :

Provided that no appeal shall be received after the expiration of one month from the time of the publication of the notification prescribed by section three hundred and thirty-four, or of the notification of the substitution of the name of an occupier under section three hundred and thirty-five, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

Commissioner of division may direct revision of assessment.

337. The Commissioner of the division, with the consent of the Lieutenant-Governor, may at any time direct the Magistrate to revise the assessment of any Union or ward thereof as aforesaid, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise and, if necessary, amend the same.

Magistrate may direct revision of assessment at any time of the year for reasons to be stated

338. The Magistrate may require the panchait to revise the assessment at any period during the year, but on every such occasion he shall address a written order to the panchait specifying the reasons which render such revision necessary, and requiring an amended return within a stated period.

Publication of assessment as revised under the last two sections.

339. Whenever any assessment is revised during the year as provided in the two last preceding sections, a copy of such revised list shall be prepared and deposited as provided in section three hundred and thirty-four, and a notification shall be published in the manner directed in the said section. And all objections to such revised assessment shall be made and dealt with in the manner prescribed by section three hundred and thirty-five.

If panchait refuse or omit to act, Magistrate may assume their functions.

340. If the persons appointed a panchait, or a majority of them, refuse or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform the duties required of them, the Magistrate may himself make or revise the assessment, and may enforce the same as

if it had been made or revised in the first instance by the panchait:

Provided that the functions of the panchait shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this section

Duration of panchait and service thereon.

341. Every panchait shall be appointed for the period of one year, and any person who has served as member of a panchait during one year may be re-appointed so to serve during the following year.

Member of panchait removeable only on application of rate-payers.

342 If a majority of the persons assessed in any Union or ward for which a panchait shall be appointed, not being in arrear, make application in writing to the Magistrate for the removal of any member of the panchait appointed for such district, the Magistrate, if he think it expedient, may remove such member from the panchait.

Vacancies in panchait how to be supplied.

343. If any vacancy shall occur among the members of a panchait, or if any member appointed shall refuse or decline or be unable to act, the Magistrate may, by a written communication to the person appointed, nominate and appoint another person to supply the vacancy or to be a member of the panchait.

Appointment and duty of sudder panchait.

344. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a sudder panchait consisting of not less than five members, who may be selected either from the members of the local panchaits or from any other residents of the town

It shall be the duty of the sudder panchait to assist the Magistrate, when required so to do, in carrying out generally the objects of this Chapter, and particularly in revising the assessment made by the panchaits of wards of the Union, and inquiring into, and reporting on, appeals preferred against the same.

Appointment of Tax Collectors and other establishments.

345. Subject to the approval of the Commissioner of the division, the Magistrate may appoint one or more tax collectors and such other servants as may be necessary for preparing, or assisting the panchait in preparing the assessment, for copying

the same, for collecting the tax, keeping the accounts and records, and otherwise carrying out the purposes of this Chapter. The Magistrate shall take from every tax collector such security for the due disposal of the sums collected by him as may be thought necessary.

Collection of assessment.

346. On such dates as may be fixed by the panchaits for payment of instalments of the tax, the tax collector shall proceed in person, or through some one of his office establishment, to collect the amount due for the current month from each person subject to the tax, and for all sums so collected the tax collector shall grant a receipt.

Provided that, with the sanction of the Commissioner of the division previously obtained, the collection may be made quarterly instead of monthly, and in such case the amount due for each quarter shall be collected in the last month of that quarter.

Recovery of sums not paid to the tax collector.

347. For the recovery of all sums which may not be paid to the tax collector on demand, the Magistrate shall proceed as far as possible in accordance with sections one hundred and eleven to one hundred and twenty (both inclusive).

Part V of Chapter II applicable to towns.

348. The provisions of Part V of Chapter II shall, as far as possible, be applicable to Unions. In so applying them, the sections of the said Part shall be read as if the word "Union" were substituted for the word "Municipality," and for the word "municipal," wherever such words occur;

and all functions assigned to the Commissioners of Municipalities by the said Part shall be performed by the panchaits of Unions;

provided that the District Superintendent of Police shall present his estimate as mentioned in section one hundred and sixty-seven to the Magistrate, and not to the panchait;

provided also that the Magistrate shall cause such estimate to be translated, made available for inspection by any tax-payers, and laid before the panchaits in the manner provided in section one hundred and sixty-nine, and that the District Superintendent of Police shall cause the bill mentioned in section one hundred and

seventy-three to be laid before the Magistrate and not before the panchait, and the Magistrate shall cause the amount to be paid as provided in the same section.

Penalty for removing, &c., name of street or number of house.

349. The Magistrate may cause a name to be given to any street and affixed in such place or places as he may think fit, and may also cause a number to be affixed to every house for the purpose of identifying such house; and if any person shall wilfully remove, obliterate, or destroy such name or number, he shall be liable to a fine not exceeding twenty rupees.

Chapters I and V made applicable

350. The provisions of Chapters I and V shall apply to every Union.

CHAPTER IV.

OF STATIONS.

Operation of Chapter.

351. In every place which, in accordance with the provisions of section three, becomes a Station under this Chapter, every person who has been appointed to be a Commissioner for such place under Act XXVI of 1850, and who is holding office as such Commissioner at the commencement of this Act, shall be deemed to be a Commissioner duly appointed for such Station, and in every such station any tax which may have been imposed and assessed under the provisions of the said Act, shall be deemed to have been imposed and assessed under this Chapter, and may be levied as in this Chapter provided.

Lieutenant-Governor may extend Chapter.

352. If it shall appear to the Lieutenant Governor, from a requisition in writing signed by not less than two-thirds of the inhabitants of any town or suburb, not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, that the inhabitants of such town or suburb are desirous of making better provision for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the

prevention of nuisances, or for improving the said town or suburb in any other manner, the Lieutenant-Governor may extend the provisions of this Chapter to such town or suburb.

Notice to be given of application.

353. Whenever any application shall be made to the Government for putting this Chapter in force in any town or suburb, notice thereof shall be given in the *Calcutta Gazette* setting forth the purposes of the application, and giving reasonable time for all inhabitants of such town or suburb, who are minded to declare themselves for or against the adoption of this Chapter therein, for such purposes or any of them.

Such notice shall also be published as provided in section three hundred and sixty-five.

Publication of final order.

354. The Lieutenant-Governor shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order, which shall be published in the *Calcutta Gazette*, and also as provided in section three hundred and sixty-five, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Chapter shall be thenceforth in force in such town or suburb, for such purposes only as shall be mentioned in the order.

On publication of order, Chapter comes into force.

355. Whenever any such order shall be made and published as aforesaid, this Chapter shall come into force within the said town or suburb, for such purposes as are mentioned in the order, and the making and publication of the said order shall be conclusive evidence that the provisions of this Chapter have been complied with, and that this Chapter is thenceforth in force within the said town or suburb, for such purposes as are mentioned in the order.

Appointment of Commissioners

356. Whenever this Chapter shall come into force in any place, the Lieutenant-Governor shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be

Commissioners for putting the Chapter in force in the Station, and shall give authority to them to prepare rules for more effectually accomplishing the purposes for which they are appointed; which rules, when approved by the Lieutenant-Governor, and published in the *Calcutta Gazette*, shall be of the same force within the Station, until altered or rescinded as hereinafter provided, as if they were inserted in this Chapter.

And the Lieutenant-Governor may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

Rules.

357. The rules to be prepared by the said Commissioners shall provide, among other things. for those following, that is to say:—

(1) the appointment and management of all necessary officers and servants of the Commissioners, and the salaries to be allowed to them;

(2) the definition of the persons or property within the Station to be taxed for raising the monies necessary for the purposes of this Chapter (whether by house assessment or town duties, or otherwise), the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected;

(3) the manner in which from time to time the rules in force are to be amended or rescinded, and new rules are to be made, with the approval in every case of the Lieutenant-Governor;

(4) the definition and prohibition of nuisances within the Station;

(5) the imposition of reasonable penalties for breach of any rules made by the Commissioners, not exceeding fifty rupees, or in the case of a continuing nuisance, not exceeding five rupees, for every day that such nuisance is continued.

Station Fund.

358. All sums realized under the provisions of this Chapter shall be paid into a separate fund to be styled "The Station Fund of ——," and such fund shall be at the disposal of the Commissioners, and all expenditure authorized by this Chapter shall be made from such fund.

Commissioners may make contracts.

359. The Commissioners appointed from time to time shall have full power to make all necessary contracts, for the purposes of this Chapter, and apply the taxes raised as aforesaid in the necessary works, and in payment of their officers and servants, and in the other expenses incident to the execution of this Chapter within the Station.

Liability of Commissioners.

360. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of the Station, but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of, the Secretary of State in Council.

Recovery of taxes.

361. All sums due on account of any tax under this Chapter may be recovered in the manner provided by sections one hundred and eleven to one hundred and twenty (both inclusive), and the provisions of those sections shall, so far as may be practicable, apply to the recovery of all such sums by the Commissioners under this Chapter.

Commissioners to send Lieutenant-Governor an annual account.

362. All Commissioners acting in execution of this Chapter shall, on or before the last day of every year, make up and send to the Lieutenant-Governor an account of all works executed by them, and of all sums received and spent by them in the foregoing year in such form and with such vouchers as the Lieutenant-Governor shall from time to time order.

Lieutenant-Governor may suspend operation of Chapter.

363. The Lieutenant-Governor may, at any time, suspend the operation of this Chapter in any Station, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them or their officers, in the execution of the duties imposed on them by this Chapter.

Chapters I and V made applicable.

364. The provisions of Chapters I and V shall apply to every Station.

CHAPTER V.

OF GENERAL MATTERS RELATING TO MUNICIPALITIES, UNIONS, AND STATIONS.

Publication of bye-laws, orders, &c

365. Every bye-law, order, notice or other document directed to be published under Chapter II, Chapter III, or Chapter IV, as the case may be, shall be written in or translated into the vernacular of the district, and deposited in the office of the Commissioners, or (under Chapter III) in the office of the Magistrate, and a copy shall be posted up in a conspicuous position at such office and at every police station or outpost in the Municipality, Ward, Union or Station to which it relates, and in any other public places which the Commissioners or the Magistrate, as the case may be, may think proper.

And a public proclamation shall be made throughout such Municipality, Ward, Union or Station by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Commissioners or of the Magistrate, as the case may be.

Levy of fines.

366. Fines under this Act may be imposed by a Magistrate on any person who is convicted of the offence to which the fine attaches, and may be levied under the provisions of section 307 of the Code of Criminal Procedure, 1872.

How notice, &c, may be served.

367. Every notice, bill, form, summons, or notice of demand under this Act may be served personally on or presented to the person to whom the same is addressed,

or be left at his usual place of abode, with some adult male member or servant of his family;

or, if it cannot be so served, presented, or delivered, may be put on some conspicuous part of his place of abode;

or of the land, building, or other thing in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

368. Where any notice is required to be given to the owner or to the occupier of any land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such land, or otherwise in the manner in the last preceding section mentioned.

Service of notice on owner or occupier of land.

Provided that when the owner and his place of abode are known to the Commissioners or other authorities issuing the notice, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any land to be served on such owner, or left with some adult male member or servant of his family;

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and such service shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the land in respect of which the notice is served.

369. No assessment or rating of tax on property shall be invalid for error or defect of form, and it shall be enough in any assessment, valuation or rating for the purpose of making such tax, if the property so assessed or valued is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Tax not invalid for want of form.

370. Every person to whom a license has been granted under this Act shall at all reasonable times while such license shall remain in force, if thereunto required by the authorities which granted the license or by any person authorized by them in that behalf, produce such license to the said authorities or to the person so authorized.

Holder of license to produce it when required.

Whoever fails to produce his license when required to produce the same by any person authorized under this section to demand the production thereof, shall be liable to a fine not exceeding one hundred rupees.

Penalty.

371. All costs and other monies which are due under the provisions of this Act to the Commissioners of any Municipality, to the Magistrate acting

Costs how recoverable.

in any Union, or to the Commissioners of any Station, may be recovered in the manner provided in sections one hundred and eleven to one hundred and twenty (both inclusive).

Power to sell unclaimed holdings for money due.

372. If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expenses, or charges, recoverable under this Act, and if the owner thereof is unknown or the ownership thereof is disputed, the Commissioners, or the Magistrate acting under Chapter III, as the case may be, may publish twice, at an interval of three months, a notification of sale of such holding, and after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall at the time of sale deposit the full amount of the purchase-money.

Any person may pay the amount due at any time before the completion of the sale, and may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such property.

After payment of the amount due to the Commissioners or Magistrate as aforesaid, the surplus, if any, shall be paid on demand to any person who establishes his right to the satisfaction of such Commissioners or Magistrate, or in a court of competent jurisdiction, or if unclaimed for a period of three years, shall be transferred to the Municipal Fund, Union Fund, or Station Fund, as the case may be.

Power to make compensation out of the Municipal Fund.

373. The Commissioners under Chapter II, or the Magistrate acting under Chapter III, or the Commissioners under Chapter IV, respectively, may make compensation out of the Municipal, Union, or Station Fund respectively, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

No action to be brought against the Commissioners or their officers until after one month's notice of cause of action

374. No suit shall be brought against the Commissioners of any Municipality, the Magistrate acting under Chapter III, or the Commissioners of any Station under Chapter IV, or any of their officers, or any person acting under

their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Commissioners or Magistrate, and also (if the suit is intended to be brought against any officers of the said Commissioners or Magistrate, or any person acting under their directions) at the place of abode of the person against whom such suit is threatened to be brought, stating the cause of suit and the name and place of abode of the person who intends to bring the suit;

And unless such notice be proved, the Court shall find for the defendant.

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

If any such person to whom any such notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

Chaukidári chakran lands.

375. Notwithstanding anything contained in section 3 of Bengal Act VI of 1870 (*an Act to provide for the appointment, dismissal, and maintenance of village chaukidárs*), the provisions of Part II of the said Act, relating to chaukidári chakran lands, shall be applicable to all such lands which have been assigned before the commencement of the said Act for the benefit of any part of a Municipality, Union, or Station, and all duties and functions which the panchait of a village or any member thereof is required to discharge under the provisions of the said Part, shall be discharged, and all powers which the panchait of a village or any member thereof is authorized to exercise under the said Part, shall be exercised,

in respect of any Municipality, by the Commissioners thereof;

in respect of any Union, by the Magistrate;

and in respect of any Station, by the Commissioners thereof;

and the proceeds of the assessment on such lands made under the said Part shall be paid into the Municipal, Union, or Station Fund (as the case may be) and shall be available for the purposes of such fund.

Police Officers to report offences and to arrest unknown offenders.

376. All Police Officers shall give immediate information to the Commissioners of the Municipality, the Magistrate of the Union, or the Commissioners of the Station, as the case may be, of any offence committed against this Act.

Any Police Officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the Police Officer shall have reason to doubt the accuracy of such name and address, if given,

And such person may be detained until his name and address shall be correctly ascertained, or until he shall be brought up at once before a Magistrate.

Penalty on Officers, &c., taking unauthorised fees

377. If any person employed under this Act (not being a public servant within the meaning of section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act,

or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person with the Commissioners or with any public servant or with the Government as such, he shall be punished with imprisonment, either simple or rigorous, as provided in section 53 of the Indian Penal Code, for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both.

Saving clause.

378. Nothing in this Act contained shall be construed to

(*a*) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance:

(*b*) exempt any person guilty of nuisance from a suit in respect thereof:

(*c*) affect any enactment not hereby expressly repealed.

FIRST SCHEDULE.

FORM A.—(*See section* 103.)

Notice to be published of the preparation of the list of assessment on persons.

BENGAL MUNICIPAL ACT, 1876.

Section 103.

MUNICIPALITY OF

Whereas an assessment list of the tax upon persons occupying holdings has been deposited in the office of the Commissioners as required by section 103 of "the Bengal Municipal Act, 1876," notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax-collector or other officer authorized to receive payment, the first payment to be made on the first day of ( ), and every subsequent payment on or before the first day of ( ), the first day of ( ), and the first day of ( ), or in default thereof any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which such defaulter is assessed, and by such other proceedings as are allowed by law.

Dated this day of

A. B

Chairman of Commissioners.

FORM B.—(*See section* 103.)

Notice to be published of the preparation of the valuation and rating list of holdings.

BENGAL MUNICIPAL ACT, 1876.
Section 103.

MUNICIPALITY OF

Whereas a valuation and rating list of the rate on the annual value of holdings has been deposited in the office of the Commissioners as required by section 103 of "the Bengal Municipal Act, 1876," notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday, and that the several owners of the holdings included therein are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax-collector or other officer authorized to receive payment, the first payment to be made on the first day of ( ) and every subsequent payment on or before the first day of ( ), the first day of ( ), and the first day of ( ), and in default thereof, any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which the valuation is made, and by such other proceedings as are allowed by law.

Dated this day of

A. B.
Chairman of Commissioners.

SECOND SCHEDULE.

FORM A.—(*See section* 111.)

NOTICE OF DEMAND UNDER SECTION 111, BENGAL MUNICIPAL ACT, 1876.

To of

Municipality of

Take notice that the sum of Rs. , being the amount due from you as shown in the accompanying bill, is hereby demanded

from you, and that if you do not within fifteen days pay the same to an officer authorized to receive payment, or into the office of the Municipal Commissioners, the same with costs will be levied by distress and sale of your goods and chattels, or otherwise as provided by law.

A. B.
Chairman of

[*The following note will be added at the foot of the above notice in those cases only in which the notice is to be addressed to a person who has not already paid one instalment of the tax at the rate at which the demand is made.*]

Note.—If you have any objection to make against this demand you may, instead of paying the amount which is hereby demanded, present a petition to the Commissioners praying for a review of the amount assessed (or rated). Such petition must be presented within fifteen days of the service of this notice, otherwise it will not be received. If you present such petition, no amount will be levied from you until the Commissioners shall have passed an order on your petition; but after fifteen days from such order, the amount due by you, with such costs as the Commissioners may direct, will be levied, unless it has been previously paid.

B.

Table of Fees payable upon Distraints under this Act.

Form B.—(*See section* 112.)

Sums distrained for.	Fee. Rs.	A.
Under 1 Rupee	0	4
1 and under 5 Rupees...	0	8
5 „ 10 „	1	0
10 „ 15 „	1	8
15 „ 20 „	2	0
20 „ 25 „	2	8
25 „ 30 „	3	0
30 „ 35 „	3	8
35 „ 40 „	4	0
40 „ 45 „	4	8
45 „ 50 „	5	0
50 „ 60 „	6	0
60 „ 80 „	7	8
80 „ 100 „	9	0
Above 100 „	10	0

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man. If the amount demanded be paid or the warrant

discharged before the sale is held so that no sale is necessary, one-fourth of the fees specified in the above table shall be remitted.

C.—(*See section* 113.)

Distress Warrant.

BENGAL MUNICIPAL ACT (*Section* 113.)

To (here insert the name of the officer charged with the execution of the warrant).

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for taxes (or rates) mentioned in the margin, although the said sum has been duly demanded in writing from the said , and fifteen days have elapsed since the service of the notice of demand. This is to command you to distrain the moveable property of the said wherever it may be found within the Municipality, except ploughs, plough-cattle, tools, or implements of trade or agriculture, or any other moveable property subject to the same exceptions, which may be found within the holding specified in the margin to the amount of the said sum of and the further sum of to defray the charges of taking, keeping, and selling such property; and if within ten days next after such distress the said sum of shall not be paid, to sell the said property, and having paid and deducted out of the proceeds of the sale the said sum of and the charges of taking, keeping, and selling such property, to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property, and if no demand be made, to pay the same to the Commissioners. If distress cannot be made of sufficient property of the said you are to certify the same to us in returning this warrant.

A. B.

Chairman of

D.—(*See section* 113.)

Form of Inventory and Notice.

BENGAL MUNICIPAL ACT.

(*Section* 113.)

(*State particulars of goods seized.*)

Take notice that I have this day seized the property specified in the above inventory for the sum of due for the taxes (or rates) mentioned in the margin, and that unless you pay to me or into the office of the Commissioners of the said sum of and the further costs of this distraint as specified below, within ten days from the day of the date of this notice, the property will be sold.

(*Signature of the officer executing the warrant of distress.*)

Date

E.—(*See section* 115.)

Register of distraints of property and sales held on account of arrears for the month of in

1. Name of defaulter.
2. Number on register and specification of the holding on account of which the arrear is due.
3. Amount of arrear due.
4. Amount of costs and penalty.
5. Total amount to be realized.
6. Inventory of property seized under distress.
7. Date of distress.
8. Date of sale.
9. Detail of articles sold.
10. Amount realized on each article.
11. Purchaser's name.
12. Total amount realized.

13. Amount paid in to the Commissioners' office on account of the arrear due, with date.
14. Amount paid in to the Commissioners' office on account of costs and penalties.
15. Surplus proceeds of sale remaining after deducting the amount of arrears, costs, and penalties due.
16. How the surplus was disposed of, with date of such disposal.
17. Balance of arrear still remaining unrealized, if any.
18. On what date such remaining balance was realized or written off by authority.
19. Remarks (explaining why the property seized was released without sale if not eventually sold, &c., &c.)

THIRD SCHEDULE.

(*See sections* 78 *and* 122.)

Tax on Carriages and Animals.

	Per quarter. Rs.	A.
For every 4-wheeled carriage drawn by two horses	4	8
For every 4-wheeled carriage drawn by one horse or a pair of ponies under thirteen hands	3	0
For every 2-wheeled carriage	2	8
For every horse	2	0
For every pony under thirteen hands, and for every mule and donkey	0	12
For every elephant	6	0
For every camel	2	0

Animals under eleven hands in height, and carriages the wheels of which do not exceed twenty-four inches in diameter, are exempted.

FOURTH SCHEDULE.

FORM A.

Requisition to Panchait.

SEE CHAPTER III, SECTION (330).

(Here insert the names, places of abode, business, or other description of the panchait.)

I do hereby require you, the panchait appointed under Chapter III of the Bengal Municipal Act, 1876, with all reasonable expedition, within *(Here insert a period to be fixed by the Magistrate)* from the date hereof, to make out and forward to me, the undersigned Magistrate of the District of , a fair and equitable assessment upon the several occupiers of houses, shops, and buildings in the Union of for the purpose of raising the sum of rupees required for the maintenance of the police for the year commencing on and other expenses authorized by the said Chapter. You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed rupees *(Here insert the pay of a policeman of the lowest grade)* and the aggregate amount assessed shall not exceed the average rate of two annas per mensem for each house, shop, or building in the district.

If the occupier of any house in the said district shall be unable, on the ground of poverty, to pay the assessment to which he is liable under the said Chapter, you may leave him unassessed, but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house, and shall be assessed accordingly.

The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade, or business or other description of the person assessed, the annual assessment and the quota payable monthly, and may be in the following form or to the like effect:—

Serial No	Property occupied	Name of occupier	Profession or business or other description	Amount of annual assessment	Amount of monthly (or quarterly) payment

FORM B.

Assessment.

(*See section* 334.)

An assessment made for the Union of upon the several occupiers of houses and other property in the said district, pursuant to Chapter III of the Bengal Municipal Act, 1876, for the purpose of maintaining the Police for such Union, for cleaning the Union, and for other purposes authorised by the said Act.

Serial No	Property occupied	Names of occupiers	Profession or business	Amount of monthly (or quarterly) assessment

FORM C.

Notification.

(*See section* 334.)

Whereas an assessment has been duly made pursuant to Chapter III of the Bengal Municipal Act, 1876, and has been revised and settled by me, the undersigned Magistrate of and has been deposited in the office of the Magistrate, notice is hereby given that the said assessment is open to the

inspection of all persons desiring to inspect the same at the said office during office hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment, are hereby required to pay the monthly (or quarterly) contributions set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the tenth day of the month succeeding the date of this notification, and every subsequent payment on or before the tenth day of each succeeding month *(if the tax is to be collected quarterly; the months in which the payment is to be made must be specified,)* or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as are allowed by law.

dated this *day of*

Magistrate of

FIFTH SCHEDULE.

(*See section* 2.)

PART I.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
XXVI of 1850 ...	Improvements in towns	The whole Act so far as it affects the Provinces subject to the Lieutenant-Governor of Bengal.
XX of 1856 ...	Police chowkeedars in cities, &c., in the Presidency of Fort William in Bengal.	So much as has not been repealed.
XXI of 1857 ...	Order and good government of the suburbs of Calcutta and the station of Howrah.	Sections 25, 26, 27, 28, 29, 30, 31, 32, 38, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50.
XII of 1858 ...	For raising funds for making and repairing roads in the suburbs of Calcutta and Howrah.	The whole Act.

PART II.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
III of 1864 ...	District Municipal Improvement Act ..	So much as has not been repealed.
VI of 1867 ...	Regulation of police in towns and Municipalities.	The whole Act.
VII of 1867 ...	Amending the District Municipal Improvement Act.	The whole Act.
II of 1868 ...	Amending the District Municipal Improvement Act.	The whole Act.
VI of 1868 ...	District Towns Act	The whole Act.
VII of 1870 ...	Sanitary condition of Dacca	The whole Act.
II of 1873 ...	Amending District Municipal Improvement and District Towns Acts.	The whole Act.

SIXTH SCHEDULE.

(*See section* 2.)

Number and year.	Subject.	Extent of repeal.
Bengal Act IV of 1871.	Sanitation of Pooree and other towns in Orissa, and regulation of Lodging-houses therein.	Sections 24 to 34, both inclusive.

Reg. No. 3268—2,500—1-7-76.

ACT No. VI of 1876.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the* 21*st April* 1876, *and of the Governor-General on the* 10*th July* 1876.)

An Act to Provide for inquiry into Disputes regarding Rent, and to prevent Agrarian Disturbances.

Preamble.

FOR the purpose of providing for inquiry into disputes regarding rent, and of preventing agrarian disturbances: It is enacted as follows:—

Short title

1. This Act may be called the "Agrarian Disputes Act, 1876:"

Local extent.

It extends to all the territories for the time being subject to the Lieutenant-Governor of Bengal.

Commencement of Act.

It shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, and shall continue in force for three years from such date.

Interpretation

2. In this Act, unless there be something repugnant in the subject or context—

"Lieutenant-Governor"

"Lieutenant-Governor" means the Lieutenant-Governor of Bengal, or the person acting in that capacity.

"Board"

"Board" means the Board of Revenue for the provinces for the time being subject to the Lieutenant-Governor of Bengal.

Price, 1 *anna and* 6 *pies.*

"Commissioner" means the Commissioner of a Division, and includes any officer whom the Lieutenant-Governor may vest (as he is hereby empowered to do) with all or any of the powers of a Commissioner under this Act.

"Commissioner."

"The Collector" means the officer appointed to make the inquiry under this Act.

"The Collector."

"Section" means a section of this Act.

"Section."

3. If it shall appear to the Lieutenant-Governor that a serious dispute exists in any tract of country as to any question in respect of the adjustment of rents, or as to arrears of rents,

Lieutenant-Governor may declare provisions of Act to be in force in any tract of country.

and if application shall be made to the Lieutenant-Governor by any person interested in such dispute praying that the Lieutenant-Governor do take action under the powers vested in him by this Act,

the Lieutenant-Governor may, by an order to be published in the *Calcutta Gazette*, declare the provisions of this Act to be in force in such tract, the boundaries of which shall be defined in the said order,

and may direct that inquiry be made for the determination of such dispute by the Collector of the district, or by such other officer as the Lieutenant-Governor may think fit to appoint in that behalf.

A copy of such order shall be published by being posted up at the court of every Judge and Munsif, and at the office of every Collector and Sub-Divisional Officer within whose jurisdiction, and at every police station within the jurisdiction of which, the said tract or any part of it is situated, and in such one or more conspicuous places in the said tract as the Collector may direct.

From the date of the publication of the copy of such order in the office of the Collector of the district, this Act shall be deemed to be in force in such tract until the Lieutenant-Governor shall by notification declare that it is no longer there in force.

Lieutenant-Governor may vest officer with powers of a Deputy Collector.

4. The Lieutenant-Governor may specially vest any officer with the powers of a Deputy Collector under this Act; and any officer so vested may exercise any of the powers, and discharge any of the functions of the Collector under this Act (except in respect of appeals) which he may be required to exercise or to discharge by a general or special order of the Collector.

Lieutenant-Governor to specify matters for inquiry.

5. Whenever the Lieutenant-Governor shall have made an order under section three, the Lieutenant-Governor shall also issue instructions specifying any matters of fact into which the Collector shall inquire, in accordance with the provisions of the said section; and on receipt of such instructions the Collector shall proceed to make the inquiry in accordance therewith.

Collector may allow parties to come before him and make objections.

6. Before proceeding to make such inquiry, the Collector shall publish a notification in the manner provided by clause five of section three, stating the nature of the inquiry to be made, and calling upon all parties who may deem themselves interested therein to appear before him, either in person or by agent, for the purpose of making such representations and advancing such objections as to them may seem fit; and such representations and objections (if any) shall be duly heard and considered by the Collector.

Power to Collector to enforce attendance of witnesses.

7. For the purpose of such inquiry, the Collector shall have power to summon and enforce the attendance of parties and witnesses, to examine such parties and witnesses, and to compel the production of documents by the same means (as far as may be) and in the same manner as is provided in the case of a court under the Code of Civil Procedure.

Collector to draw up report, and to allow persons to take copies of the same.

8. After making the necessary inquiry, the Collector shall draw up a report stating the result of the inquiry, and his own opinion on each of the matters specified for inquiry under section five, and shall publish a notice in his office stating that any person

may take a copy of the said report for the purpose of advancing before the Commissioner any objections thereto which he may think fit, and that such objections must be filed in the office of the Commissioner, or in the office of the Collector for transmission to the Commissioner, within fifteen days of the publication of the said notice.

Collector and Commissioner to report result of inquiry to Board.

9. The Collector shall forward such report and copies of any objections which may be filed in his office under the last preceding section to the Commissioner, and the Commissioner, after considering such objections, and causing any further inquiry to be made which he may think fit, shall submit the report of the Collector, with copies of the objections made thereto, and with his own opinion on each of the matters specified for inquiry under section five, to the Board.

Board to issue instructions to Collector.

10. After considering the reports and objections submitted by the Commissioner under the last preceding section, the Board shall issue such instructions as to it shall seem fit, not being inconsistent with the provisions of this Act, in respect to the determination of each of the matters specified for inquiry under section five, and the Collector shall make an order determining each of the said matters in accordance with such instructions of the Board.

Suits to be transferred to Collector.

11. On receipt of such instructions the Collector shall publish at his office a notice of such receipt, and from the date of the publication of such notice, and as long as this Act is in force in the tract mentioned in section three, all suits of the nature of those specified in section 23 of Act X of 1859, relating to such tract, shall be instituted before, and, except as hereinafter otherwise expressly provided, be cognizable by, the Collector and by no other tribunal.

Collector to send copy of notice to Courts.

12. As soon as possible after publication of the notice mentioned in the last preceding section, the Collector shall send a copy thereof to every Court which had jurisdiction to entertain such suits immediately before the publication of the said notice.

Procedure in suits.

13. In the disposal of such suits the Collector shall, as far as possible, follow the procedure prescribed in Act X of 1859, and all powers exercised by a Collector under the said Act may be exercised by the Collector under this Act, provided that all such suits shall be decided by a reference to, and in accordance with, any order of the Collector determining a matter under section ten, in so far as such order may be applicable.

Power to refer to arbitration.

14. The Collector may, with the consent of the parties concerned, refer any such suit to arbitration, and the provisions of sections 313 to 325 (both inclusive) of the aforesaid Act VIII of 1859 shall, as far as may be practicable, apply to such references.

Rules for determining rate of rent.

15. Whenever in any suit instituted under the provisions of this Act it shall appear to the Collector that a ryot having a right of occupancy is liable to enhancement of the rent previously paid by him on the ground that the value of the produce of the productive powers of the land held by him have been increased otherwise than by the agency or at the expense of the ryot;

or whenever in any such suit it shall appear to the Collector that such ryot is entitled to claim an abatement of the rent previously paid by him on the ground that the value of the produce or the productive powers of the land held by him have been decreased by any cause beyond the powers of the said ryot,

the Collector shall, if possible, fix the rate of rent payable by such ryot, so that the rent previously paid by such ryot shall bear to the rent so fixed the same proportion as the former value of the produce of the soil, calculated on an average of three or five years next before the date of the alleged rise or decrease in value, bears to the present value of such produce;

but if in any such suit the Collector shall not be able to ascertain to his satisfaction the former value of the produce as required for the application of the above rule,

the Collector may, if he think proper so to do, determine the

rate of rent payable by such ryot according to any of the following methods:—

(*a*) by fixing the rent of the ryot so that it shall represent such portion of the existing average gross value of the produce of the land held by him as the Collector shall consider fair and equitable with reference to the circumstances of each case;

(*b*) by fixing the rent of the ryot so that it shall represent such portion of the average net profits of the land held by him (after deducting from the average gross annual value of the produce of such lands such a sum as may be deemed proper on account of costs of production and disposal of such produce) as the Collector shall consider fair and equitable with reference to the circumstances of each case;

(*c*) by taking as the standard of comparison the rates which are generally paid in adjacent places by ryots having no right of occupancy, or in such places as the Collector may select, for lands of a similar description and having similar advantages; and by fixing, the rates of rent to be paid by the ryot having a right of occupancy at such percentage below the rent which would be paid for the same lands by ryots having no right of occupancy as the Collector may consider fair and equitable with reference to the circumstances of each case.

Suit may be brought by or against any number of ryots collectively.

16. In every suit under this Act of the nature of those specified in the first, second, third, and fourth clauses of section 23 of Act X of 1859, any number of ryots or other tenants may be sued, or may sue collectively, and it shall be no ground for dismissing or refusing to hear the application that such ryots or other tenants are wrongly joined as plaintiffs or defendants, provided all such ryots or tenants hold land in the same estate;

but no order shall be passed in such case unless the officer making such order is satisfied that all parties have had an opportunity to appear and make objection to any claims preferred against them;

and if at any time it shall appear to the Collector that the question between any two of the parties of whom one is so joined

with others cannot conveniently be so jointly tried. the Collector may order a separate trial to be held.

Order to specify how far it applies to each ryot

17. Every order passed in any such case as is mentioned in the first clause of the last preceding section, shall specify the extent to which each of the ryots or other tenants named in the order shall be affected thereby.

Rate of rent once fixed under Act, to be fixed for five years

18. Every decree of a Collector under this Act in any suit of the nature of those specified in the first clause of section 23 of Act X of 1859 shall have effect, and the rates of rent determined by such decree shall be payable from the beginning of the year in which such suit was instituted (such year being computed according to the era in force in the aforesaid tract), or from such later date as the Collector may fix; and the rates of rent so determined shall not be liable to abatement or enhancement for five years from the first day of the year in which the decree may have effect as provided in this section, or, in case any part of the tract is comprised within a temporarily-settled estate, until the conclusion of the period of the settlement with Government under which such estate is held, if such period expires before the lapse of five years as aforesaid.

Provided that, during the currency of the term for which the rent has been fixed as aforesaid, any person may bring a suit to enhance the rent of any ryot or tenant whose rent has been so fixed, on the ground that the area of the ryot's or tenant's holding has been increased by alluvion or otherwise, and on no other ground.

And any ryot or tenant may, during the said period, bring a suit for abatement of his rent which has been so fixed, on the ground that the area of the land held by him has been diminished by diluvion or otherwise, and on no other ground.

Collector may refer suit to Civil Court.

19. Notwithstanding anything contained in this Act, if it shall appear to the Collector that any suit which is pending before him involves any question relating to the title of land or to some interest in land, as between parties having conflicting claims thereto,

or any other question which can more properly be decided by a civil court, or, in districts in which Act X of 1859 is in force, by a revenue court under that Act, the Collector may transfer such suit to a civil court or revenue court (according to whether such civil court or such revenue court would have had jurisdiction in the matter if this Act had not been passed); and such court shall thereupon proceed to deal with the suit as if this Act had not been passed, and as if the suit had originally been instituted before such court.

Collector may decide question before transferring suit to civil court.

20. If such suit involves a question of rent or any other question which may properly be settled by the Collector under this Act, as well as a question which may more properly be decided by such civil court or revenue court, the Collector may decide the former question under this Act before transferring the suit to such other court; and such decision shall be subject to the provisions of this Act in respect of appeals, and the civil court or revenue court shall be bound to give the final decision in the suit in accordance with the decision of the Collector or of the appellate authority under this Act on such question, so far as such decision is applicable.

Enforcement of decisions.

21. Every order and decree of a Collector under this Act may be enforced by the same means and in the same manner as if such order or decree were an order or decree to the same effect made under Act X of 1859.

Powers of Collector after withdrawal of Act.

22. Notwithstanding that the Lieutenant-Governor may have issued a notification as provided in section three declaring this Act to be no longer in force in any tract, the Collector shall proceed to decide all suits pending before him on the date of issue of such notification as if no such notification had been issued; and in respect of all such suits and of all other matters and suits which may be pending before the Board, the Commissioner, or the Collector on the date of the issue of such notification, the said Board, Commissioner, and Collector shall, until such matters or suits are finally decided or disposed of, exercise the same powers with respect thereto as if such notification had not been issued.

Suit to contest order or decree under this Act.

23. No suit to contest any order or judgment of any officer under the provisions of this Act shall be instituted before any court or tribunal otherwise than as provided in this Act.

Control and supervision of Commissioner and Board.

24. In the performance of their duties under this Act, the Deputy Collectors shall be subject to the general control and direction of the Collector, the Collector to the general control and direction of the Commissioner, and all officers to the general control and direction of the Board.

Appeal to and from Collector.

25. An appeal shall lie to the Collector against every order and judgment of a Deputy Collector under this Act, except as hereinafter otherwise provided; but no appeal shall lie against any order or judgment of the Collector under this Act except as hereinafter expressly provided.

No appeal from any decree of Collector for money below Rs. 100, unless the decision involve some question of right to enhance rents or some question relating to a title to land.

26. In suits of the nature of those specified in clauses two, four, and seven of section twenty-three of Act X of 1859, when such suits have been tried and decided by the Collector, if the amount sued for, or the value of the property claimed, does not exceed one hundred rupees, the judgment of the Collector shall be final and not open to revision or appeal, unless in any such suit a question of right to enhance or otherwise vary the rent of a ryot or tenant, or any question relating to a title to land, or to some interest in land as between parties having conflicting claims thereto, has been determined by the judgment, in which case the judgment shall be open to appeal in the manner provided in section twenty-nine.

The provisions of section 154 of Act X of 1859 shall apply to all suits in which the judgment of the Collector is final.

No appeal to lie against judgment declaring arrear due unless arrears have been paid.

27. Notwithstanding anything contained in this Act, no appeal shall lie against any order declaring arrears of rent to be due and directing that such arrears be paid, unless such appeal shall be accompanied by the certificate of the Collector that the amount of such arrears has been paid to the Collec-

tor; and on payment of such amount, the Collector, if required so to do by the person making such payment, shall be bound to grant such certificate, and to hold the amount in deposit until the appeal shall have been disposed of, or until the period for making such appeal shall have expired.

Appeal against judgment of Deputy Collector.

28. When any such suit as is mentioned in section twenty-six in which, if tried and decided by the Collector, the judgment of the Collector would be final, is tried and decided by a Deputy Collector, an appeal from the judgment of the Deputy Collector shall lie to the Collector, and the provisions of sections 157 to 159 (both inclusive) of the said Act X of 1859 shall apply to such appeals.

In what suits appeal to lie to Commissioner and to Board.

29. In all suits other than those in which when tried and decided by a Collector, the judgment of the Collector is final as aforesaid, or when tried and decided by a Deputy Collector, an appeal is allowed to the Collector, an appeal from the judgment of the Collector or Deputy Collector shall lie to the Commissioner, and the decision of the Commissioner shall be final, unless the amount or value in dispute exceed five thousand rupees, in which case an appeal from the Commissioner's decision shall lie to the Board.

Time for presenting appeals from orders

30. Every appeal against the order of a Deputy Collector shall be presented to the Collector within fifteen days, and every appeal against the order of a Collector shall be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the date of the order appealed against.

Every appeal against the order of a Commissioner shall be presented to the Board, or to the Commissioner for transmission to the Board, within sixty days of the date of the order appealed against.

Orders passed in appeal by a Commissioner or a Collector shall not be open to any further appeal, except as hereinbefore provided: but the Board or the Commissioner may at any time call for any case, and pass such orders thereon as they may think proper.

Reg No. 3809—2,000—15-7-76.

ACT No. VII OF 1876.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 22nd July 1876, and of the Governor-General on the 9th August 1876.)

An Act to provide for the Registration of revenue-paying and revenue-free lands, and of the proprietors and managers thereof.

Preamble.

WHEREAS it is expedient to make better provision for the preparation and maintenance of Registers of revenue-paying and revenue-free lands, and of the proprietors and managers thereof, and of certain mortgages of revenue-paying lands: It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Commencement.

1. This Act may be called the "Land Registration Act, 1876," and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, which date is hereinafter referred to as the commencement of this Act.

Regulations repealed.

2. From the commencement of this Act, the Regulations mentioned in the schedule hereto annexed, to the extent specified in the third column thereof, shall cease to have effect in the Provinces subject to the Lieutenant-Governor of Bengal.

Interpretation clause.

3. In this Act—unless there be something repugnant in the subject or context—

Price, 5 annas.

(1) "Civil Court" means any Civil Court which is competent to hear and determine the matter with respect to which the words are used:

"Civil Court"

"Estate."

(2) "Estate" includes

(*a*) any land subject to the payment of land revenue, either immediately or prospectively, for the discharge of which a separate engagement has been entered into with Government:

(*b*) any land which is entered on the revenue-roll as separately assessed with land revenue (whether the amount of such assessment be payable immediately or prospectively), although no engagement has been entered into with Government for the amount of revenue so separately assessed upon it as a whole:

(*c*) any land being the property of Government of which the Board shall have directed the separate entry on the General Register hereinafter mentioned.

(3) "Extent of interest" means the share or interest in an estate or revenue-free property of which the person with respect to whom the words are used is in possession as proprietor or manager.

"Extent of interest."

(4) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Lieutenant-Governor"

(5) "Local Division" means a sub-division, parganah, thanah, police division of jurisdiction, or other division according to which the Mouzahwar Register of the district is arranged.

"Local Division."

(6) "Manager" means every person who is appointed by the Collector, the Court of Wards, or by any Civil or Criminal Court to manage any estate or revenue-free property or any part thereof, and every person who is in charge of an estate or revenue-free property or any part thereof on behalf of a minor, idiot, or lunatic, or on behalf of a religious or charitable foundation.

"Manager"

(7) "Mouzah" includes every village, hamlet, tolah, and other similar subdivision of land commonly in use in any district, by whatever name such subdivision may be known.

"Mouzah."

(8) "Proprietor" means every person being in possession of an estate or revenue-free property, or of any interest in an estate or revenue-free property, as owner thereof; and includes every farmer and lessee who holds an estate or revenue-free property directly from or under the Collector.

"Proprietor."

(9) "Recorded Proprietor" means any proprietor whose name, and the character and extent of whose interest in an estate or revenue-free property, stand registered in any General Register now existing or hereafter to be made under this Act.

"Recorded Proprietor."

(10) "Revenue-free Property" means any land not subject to the payment of land revenue which is included under one entry in any part of the General Register of revenue-free lands.

"Revenue-free Property."

"Section." (11) "Section" means a section of this Act.

(12) "The Board" means the Board of Revenue of the Provinces for the time being subject to the Lieutenant-Governor of Bengal.

"The Board."

(13) "The Collector" means the Collector of the District to which a Register relates.

"The Collector."

(14) "The District" means the District to which a Register relates.

"The District."

PART II.

OF THE REGISTERS TO BE KEPT UP BY THE COLLECTOR.

Collector to keep Registers.

4. The Collector of every District shall prepare and keep up the following Registers:

A.—A General Register of revenue-paying lands.

B.—A General Register of revenue-free lands.

C.—A Mouzahwar Register of all lands revenue-paying and revenue-free.

D.—An Intermediate Register of changes affecting entries in the General and Mouzahwar Registers.

Forms, language, character, and arrangement of registers

5. The Register shall be written in such forms, language, and character, and shall be arranged in such manner not being inconsistent with the provisions of this Act, as the Board from time to time may direct for each district.

The entries in each Part of the General Registers shall be numbered in one consecutive series for the whole District, and shall follow one alphabetical arrangement, running from the beginning to the end of the Part.

The General Register of revenue-paying lands

6 The General Register of revenue-paying lands shall consist of two Parts:—

Part I.—Book of estates borne on the revenue-roll of the District.

Part II.—Book of lands situated in the District appertaining to estates borne on the revenue-rolls of other districts.

Part I of the General Register.

7. In Part I of the General Register of revenue-paying lands shall be entered the name of every estate which is borne on the revenue-roll of the District, and the following particulars relating to every such estate:—

(*a*) name of the estate;

(*b*) number of the estate on the revenue-roll of the District, and the annual amount of revenue for which it is liable;

(*c*) names and addresses of the proprietors, managers, and mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, and mortgagee;

(*d*) name of every local division in which any lands of the estate are situated, whether in the district, or in any other district, with specification under each local division of

(i) the number of mouzahs containing such lands,

(ii) the name of each mouzah,

(iii) the number which each mouzah bears under the local division in the Mouzahwar Register, and

(iv) the area of land appertaining to the estate which each mouzah contains, if ascertained by survey or other authentic measurement;

(*e*) reference to entries made in the Intermediate Register after the preparation of the General Register.

Part II of the General Register.

8. In Part II of the General Register of revenue-paying lands shall be entered the name of every estate which comprises lands situated in the district, but which is borne on the revenue-roll of some other district, and the following particulars relating to every such estate:—

(*a*) name of the estate;

(*b*) name of the district on the revenue-roll of which the estate is borne, with the number which the estate bears on that roll, the annual amount of revenue for which it is liable, and the number which the estate bears in Part I of the General Register of revenue-paying lands for its own district;

(*c*) names and addresses of the proprietors, managers, or mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, and mortgagee;

(*d*) name of every local division of the district to which the Register relates, in which any lands of the estate are situated, with a specification under each local division of

(i) the number of mouzahs containing such lands,

(ii) the name of each mouzah,

(iii) the number which each mouzah bears under the local division in the Mouzahwar Register of the district, and

(iv) the area of land appertaining to the estate which each mouzah contains, if ascertained by survey or other authentic measurement;

(*e*) reference to entries made in the Intermediate Register after the preparation of the General Register.

General Register of revenue-free lands.

9. The General Register of revenue-free lands shall consist of three Parts—

Part I.—Book of lands held exempt from revenue in perpetuity.

Part II.—Book of lands occupied for public purposes without payment of revenue.

Part III.—Book of unassessed waste lands and other lands not included in Part I or Part II of the General Register of revenue-free lands.

Part I of the General Register of revenue-free lands.

10. In Part I of the General Register of revenue-free lands shall be entered all lands held under badshahi, hukami, and other lakhiraj grants which have been declared to be valid by competent authority,

all lands in which the Government has conferred a proprietary title free in perpetuity from any demand on account of land revenue, in consideration of the payment of a capitalized sum, or for any other reason,

and any lands of which the Board, on a full report of the circumstances of the case, shall have sanctioned the entry in this part of such Register.

Part I of such Register shall, as far as possible, contain the following particulars in respect of each entry :—

(*a*) name of the revenue-free property with the character of the tenure—whether jaghir, altumgah, devatter, bishanpirit, purchased revenue-free, redeemed, or otherwise;

(*b*) date of the grant or title being conferred;

(*c*) nominal area granted;

(*d*) names of the grantor and original grantee;

(*e*) reference to any decree or other order of competent authority declaring or recognizing the grant to be valid;

(*f*) names and addresses of the proprietors and managers of the revenue-free property, with the character and extent of the interest of each proprietor and manager;

(*g*) name of every local division in which any land appertaining to the property is situated, whether in the district or in any other district, with specification under each local division of

(i) the number of mouzahs containing such land,

(ii) the name of each mouzah,

(iii) the number which each mouzah bears under the local division in the Mouzahwar Register, and

(iv) the area of land appertaining to the revenue-free property which the mouzah contains, if ascertained by survey or other authentic measurement, with specification of the number of each field according to the papers of such measurement;

(*h*) reference to entries in earlier Registers relating to the property or any part thereof;

(*i*) reference to entries made in any Intermediate Register after the preparation of the General Register.

Part II of the General Register of revenue-free lands.

11. In Part II of the General Register of revenue-free lands shall be entered all lands which are occupied by the Government, or by any public body, for public purposes, and on account of which no land revenue is demanded.

It shall contain the following particulars :—

(*a*) area of the land comprised in each entry;

(*b*) names of the local divisions and mouzahs in which the lands are situated, with area in each mouzah, and a reference to the number under which each mouzah is entered in the Mouzahwar Register of the local division;

(*c*) name of the department of Government or of the public body by which the land is occupied;

(*d*) the purpose for which it is occupied;

(*e*) the date and particulars of the appropriation of the land to such purpose;

(*f*) reference to entries in the Intermediate Register made after the preparation of the General Register.

Part III of the General Register of revenue-free lands

12 In Part III of the General Register of revenue-free lands shall be entered all waste and other lands (not being included in any other part of the General Register) which are not assessed to land revenue. It shall contain the following particulars:—

(*a*) name and number of the lot, or other particulars identifying the property;

(*b*) area comprised in each entry;

(*c*) name of every local division and mouzah in which lands of the property are situated, with area in each mouzah, and a reference to the local division and number under which each mouzah is entered under the local division on the Mouzahwar Register;

(*d*) reference to entries in the Intermediate Register made after the preparation of the General Register.

Board may direct that three last sections shall not apply to any district.

13. If it shall appear to the Board that the circumstances of any district are such that it is not desirable or practicable to prepare the Register of revenue-free lands in the manner described in the three last preceding sections, the Board may direct that the said sections shall not apply to such district, and may lay down rules, not being inconsistent with the provisions of this Act, in respect of the registration of revenue-free lands and of the proprietors and managers thereof, provided that such rules shall require the registration of the name of one or more persons as liable for the discharge of the duties and obligations referred to in section sixty-eight, in respect of all lands which under such rules may be registered as separate revenue-free properties.

Such rules, when they shall have been sanctioned by the Lieutenant-Governor and published in the *Calcutta Gazette*, and otherwise locally as the Lieutenant-Governor may order, shall, from such date as the Lieutenant-Governor may direct, have the same force as if they were included in this Act

Purpose of the Mouzahwar Register.

14. The Mouzahwar Register shall be kept up for the purpose of showing, in a connected form, the mouzahs situated in each local division, and the lands, whether revenue-paying or revenue-free, of which each mouzah consists.

Mouzahwar Register to be arranged according to local divisions.

15. The Mouzahwar Register shall be arranged and divided according to sub-divisions, parganahs, thanahs, police jurisdictions, or such other local divisions of the district as the Board may from time to time direct for each district; the entries of mouzahs shall have a separate series of consecutive numbers, and a separate alphabetical arrangement for each local division.

The Mouzahwar Register shall contain the following particulars:—

(*a*) name of the mouzah;

(*b*) total area of mouzah if ascertained by survey or other authentic measurement, with a reference to the authority for the entry;

(*c*) name of every estate or revenue-free property to which any of the lands of the mouzah appertain, with a reference to the entry of each on the General Register, and a specification of the area of land in the mouzah which appertains to each, if ascertained by survey or other authentic measurement, with a reference to the authority for such entry;

(*d*) gross rental of the area of land in the mouzah which appertains to each estate or property, if such rental has been ascertained during management of the lands by the Collector or by other authentic means, with a reference to the authority for the entry;

(*e*) reference to entries made in Intermediate Registers after the preparation of the Mouzahwar Register.

Intermediate Registers.

16. Intermediate Registers shall be kept up for the purpose of recording therein from time to time changes affecting the entries which stand in the General and Mouzahwar Registers, so that by a reference to them

in connection with those Registers correct information up to date on the points recorded may be obtained at any time; also for the purpose of keeping together, as far as possible, in a convenient form, the information which will eventually be required for re-writing the General and Mouzahwar Registers.

Division of the Intermediate Register.

17. The Intermediate Register shall consist of two Parts, as follows:—

Part I.—Book of changes affecting entries relating to revenue-paying lands.

Part II.—Book of changes affecting entries relating to revenue-free lands.

Particulars of Part I of the Intermediate Register.

18. In Part I of the Intermediate Register shall be recorded in a convenient form all changes in the names of proprietors, managers, and (so far as this Act requires) mortgagees, and in the character or extent of the interest of each such proprietor, manager, and mortgagee, and such other changes affecting any entry standing in the General Register of revenue-paying lands, or any entry in the Mouzahwar Register relating to revenue-paying lands, as cannot conveniently be entered against such entry in the General or the Mouzahwar Register. It shall contain the following particulars:—

(*a*) name of the estate affected, with references to the number it bears on the General Register of revenue-paying lands, the number it bears on the revenue-roll, and the amount of revenue for which it is liable;

(*b*) references to previous entries in the Intermediate Register relating to the estate;

(*c*) particulars of the change, with a reference to the authority under which it is made;

(*d*) the numbers borne by the entries in each Part of the General Register of revenue-paying lands, and under each local division in the Mouzahwar Register, which are affected by the change here recorded.

Particulars of Part II of the Intermediate Register.

19. In Part II of the Intermediate Register shall be recorded all changes in the names of proprietors and managers of revenue-free properties, and

in the character and extent of interest of each such proprietor and manager, and such other changes affecting any entry standing in the General Register of revenue-free lands, or any entry relating to revenue-free lands in the Mouzahwar Register, as cannot conveniently be entered against such entry in the General or the Mouzahwar Register. It shall contain the following particulars:—

(*a*) name and character of the revenue-free property to which the lands appertain, and number which it bears in any part of the Register of revenue-free lands;

(*b*) reference to previous entries in the Intermediate Register relating to the property;

(*c*) particulars of the change, with a reference to the authority under which it is made;

(*d*) the numbers borne by the entries in the General Register and under each local division in the Mouzahwar Register which are affected by the change here recorded.

PART III.

Of the Preparation and Maintenance of the Registers.

Old Registers to be in force till new Registers prepared.

20. Until the Registers by this Act directed to be prepared are so prepared, the existing Registers now kept up in the office of every Collector shall be deemed to be the Registers kept up under this Act, that is to say—

The existing General Register of revenue-paying estates shall be deemed to be the General Register of revenue-paying lands;

The existing Parganah Register (Part II) of revenue-free lands shall be deemed to be the General Register of revenue-free lands, and the Mouzahwar Register in respect of revenue-free lands.

The existing Parganah Register (Part I) of revenue-paying lands shall be deemed to be the Mouzahwar Register in respect of revenue-paying lands.

The existing Register of Intermediate Mutations shall be

deemed to be the Intermediate Register of changes affecting entries in the General and Mouzahwar Registers;

And all the provisions of this Act shall, as far as possible, be deemed to be applicable to such Registers, and to the registration therein of the names and interests of proprietors, managers, and mortgagees.

How Registers to be prepared

21. The first General Registers and the first Mouzahwar Register under this Act shall be prepared for each district at such time as the Board may direct from the entries in the existing Registers mentioned in the last preceding section, and from any other authentic information available to the Collector.

Board may order new Registers to be prepared.

22. The Board may order new Registers to be prepared whenever it may think fit, and such Registers shall be prepared from the Registers existing at the time of such order, and from the entries of subsequent changes in the Intermediate Registers, and from any other authentic information available to the Collector; and such additions to, omissions from, and alterations in, the entries as they appeared in the previous Registers, shall be made as subsequent changes have rendered necessary; and the authority for every change shall be expressly referred to.

Entry of estate on any Part of a General Register

23. Whenever, after the preparation of the General Registers, it may be necessary to bring any estate or revenue-free property on to any Part of such Registers on which such estate or property is not already borne, such estate or property shall be at once brought on to such Part under a new number, in continuation of the last number already borne on such Part; and a note referring to such entry shall be made in the place in the General Register in which such estate or property would have appeared according to the alphabetical arrangement mentioned in section five.

Entry of mouzah under local division of Mouzahwar Register.

24. Whenever, after the preparation of the Mouzahwar Register, it shall be necessary to enter any mouzah under any local division of such Register under which it is not already borne,

such mouzah shall be at once brought under the proper local division with a new number, in continuation of the number borne by the last entry under such local division; and a note referring to such entry shall be made in the place in the Mouzahwar Register in which such estate or property would have appeared according to the alphabetical arrangement mentioned in section fifteen.

Entries made under two preceding sections to be in chronological order.

25. All new entries made in the General and Mouzahwar Registers after their preparation, as prescribed in the two last preceding sections, shall be made in chronological order.

Note to be made on General Register.

26. After the General Register of revenue-paying lands shall have been prepared, a note shall from time to time be made on such Register against the estate affected

of every alteration which may be ordered by competent authority in the amount of revenue assessed on any estate;

of every partition of an estate into two or more estates;

of every change involving the removal of an estate from the part of the Register on which it is borne;

of the redemption of every mortgage in respect of which the name of the mortgagee shall have been entered on the Register;

and in every such note reference shall be made to the authority under which the change was made.

In preparing the Register space shall be left for the future entry of such notes against each estate.

Any other changes affecting the entries as they stand in the Register may be recorded in Part I of the Intermediate Register, as provided in section eighteen, and a reference shall be made in the General Register against the estate affected to every entry which may be made in the Intermediate Registers recording any such change.

Note on General Register of revenue-free lands.

27. After the General Register of revenue-free lands shall have been prepared, a note shall from time to time be made on such Register against the property affected

of every case in which lands entered as revenue-free may be declared liable to assessment, and assessed by competent authority;

of every partition of a revenue-free property into two or more properties;

of every change involving the removal of a revenue-free property from the Part of the Register on which it is borne;

and in every such note reference shall be made to the authority under which the change was made.

In preparing the Register space shall be left for the future entry of such notes against each estate.

Any other changes affecting the entries as they stand on the Register may be recorded in Part II of the Intermediate Register as provided in section nineteen.

Collector, after making inquiry, may make change in his Register

28. Whenever it shall come to the notice of the Collector that any change has occurred which affects any entry in his Registers, and renders necessary any alteration therein, the Collector, after making such inquiry as may be necessary, shall make such alteration:

Provided that notice shall be given to the recorded proprietors and managers of any estate or revenue free property before any change is made in any way affecting such estate or property, and to every person whose name the Collector is about to register as proprietor or manager of any estate or revenue-free property, before such registration is effected: and any objections which may be made to the proposed change or registration shall be duly considered by the Collector before he orders such change or registration to be made.

Collector may in certain cases order name of proprietor to be struck out of the register

29. Whenever it shall appear to the Collector, in the course of an inquiry made in respect of an application under section thirty-eight or section forty-two, or otherwise, that any person whose name is recorded in the General Register as proprietor or manager, or joint proprietor or joint manager of an estate or revenue-free property, is no longer in possession of any interest in such estate or property as proprietor or manager, and

that the names of other persons have been recorded as proprietors or managers of every portion of the interest in respect of which such proprietor's or manager's name was borne on the Register, the Collector may order the name of such person to be struck out from among the recorded proprietors or managers of such estate or property, and, if required, may grant him a certificate to that effect.

Information to be supplied to Collector.

30. To enable the Collector more effectually to maintain his registers,

(*a*) Whenever any competent authority may direct that any estate be transferred from the revenue-roll of one district to that of another, the Collector of the district from the revenue-roll of which the estate is to be transferred shall transmit, to the Collector of the district to the revenue-roll of which the transfer is to be made, a copy of all entries in any of the Registers relating to the estate to be so transferred, and entries taken from such copy shall be made in the proper Registers of the district to which the transfer is made.

(*b*) Whenever the Collector of any district shall make an entry, or any alteration of an entry, in his Registers, which will affect any entry required to be made under this Act in any Register of another district, such Collector shall transmit to the Collector of such other district copy of such entry as made or as altered, and the Collector to whom such copy is transmitted shall cause the necessary entries, or alteration of entries, to be made in the Registers of his district.

(*c*) Every proprietor and manager of an estate or revenue-free property in which any new village may be established, whether under the name of tolah, kismat, or any other designation, shall forthwith give notice to the Collector of the establishment of such new village.

Provided that the Board may exempt any district or part of a district from the operation of this clause.

(*d*) Every proprietor and manager of an estate or revenue-free property, and any person holding any interest in land, or employed in the management of land, shall be bound, on the

requisition of the Collector, to furnish any information required by the Collector, for the purpose of preparing, making, or correcting any entry of the particulars specified in sections seven, eight, ten, eleven, twelve, or fifteen, or to show to the satisfaction of the Collector that it is not in his power to furnish the required information.

Such requisition shall be made by a notice to be served in the manner prescribed by section fifty, requiring the production of such information before a date mentioned in such notice.

Penalties for failing to give notice or furnish information

31. Whoever, being bound by clause (*c*) of the last preceding section to give notice to the Collector of the establishment of any new village, or under clause (*d*) of the said section to furnish any information required by the Collector, shall voluntarily or negligently omit to give such notice or furnish such information, or to show to the satisfaction of the Collector that it is not in his power to furnish such information, shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred rupees, for such omission, and the Collector may impose such further daily fine as he may think proper, not exceeding fifty rupees, for each day during which such person shall omit to furnish the information required under clause (*d*) after a date to be fixed by the Collector in a notice warning the person required to furnish such information that such further daily fine will be imposed.

Such notice shall be served in the manner prescribed by section fifty, and the date fixed by such notice shall not be less than fifteen days after service thereof.

The Collector may proceed from time to time to levy any amount which has become due in respect of any fine imposed under this section notwithstanding that an appeal against the order imposing such fine may be pending.

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no

further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

When Register may be altered on order of Civil Court.

32. Whenever any Civil Court makes a decree confirming any transfer of proprietary possession which has already been made in any estate or revenue-free property, or gives effect to any decree transferring any such possession, such Court may order the transfer to be registered in the Registers of the Collector, and the Collector shall register such transfer accordingly.

Lands held without payment of rent deemed to be part of certain estates.

33. All lands which are held without payment of rent, not being a revenue-free property entered in the General Register of revenue-free lands as prescribed by sections ten, eleven, or twelve, and not being a part of any such property, shall, for the purposes of this Act, be deemed to be a part of the estate within the local boundaries of which they are included; and if they are not included within the local boundaries of any one estate, then to be a part of such neighbouring estate as the Collector shall, by an order under his seal and signature, declare.

Collector may include any lands in an estate.

34. Whenever it shall appear to the Collector that any lands which are not included in any estate as entered in the existing General Register should be included in any such estate for the purposes of this Act, the Collector shall cause a notice, addressed to the person who is believed to be in possession of such lands, to be served in the manner prescribed by section fifty, and a general notice to be published as prescribed by section forty-nine, to the effect that such lands will be so included if no objection be made within one month of the service of the said notice, or such longer period as the Collector may think fit to allow.

After the expiration of the said month or other period, the Collector shall proceed to inquire into any objections which may have been made, and to pass such order as he may think fit in respect to the inclusion of the said lands in the said estate for the purposes of this Act.

Collector may register lands as a revenue free estate and call on proprietor to apply for registration

35. Whenever it shall appear to the Collector that any land which is not entered on the General Register as a separate revenue-free property should be entered on the Register as such property, he may cause a notice to be served in the manner prescribed by section fifty, calling on the person in possession of such land as proprietor or manager to show cause why such land should not be so registered as a revenue-free property; and if after hearing any objections (which may be preferred within a month of the service of the said notice, or such longer period as the Collector may think fit to allow), and after making such further inquiry as may be necessary, the Collector shall be of opinion that the land should be so registered, he shall enter such land on the General Register as a revenue-free property, and by a notice served as prescribed in section fifty, as well as by a general notice published as prescribed in section forty-nine, shall require every proprietor and manager of such revenue-free property to apply for registration of his name and of the character and extent of his interest as such proprietor or manager, and thereupon every such proprietor and manager shall be deemed, for the purposes of section sixty-eight, to be a person who is required by this Act to apply for the registration of his name; and all the provisions of Part IV of this Act, so far as may be practicable, shall apply to every such person.

Provided that no such proprietor or manager shall be liable to any fine under section sixty-five until after the expiration of three months from the date on which the last mentioned notice shall have been served.

Provided also that no land shall be entered as a revenue-free property in Part I of the General Register of revenue-free lands until the circumstances of the case shall have been reported to the Board, and until the Board shall have sanctioned such entry.

Board to decide what lands to be included in each revenue-free property

36 The Board may decide what revenue-free lands shall be included in each revenue-free property to be registered as such under this Act, and may from time to time direct that lands

which are borne on the Register as forming one revenue-free property shall be divided and entered on the Register as forming two or more such properties; and may similarly direct that revenue-free lands which are borne on the Register as forming two or more revenue-free properties, shall be united and entered as forming one revenue-free property.

The Board may also direct that any lands which are improperly borne upon the General Register of revenue-free lands shall be removed from such Register, or shall be omitted from any new Register of such lands which may be prepared.

Collector may serve notice for inclusion of any lands in a revenue-free property.

37. Whenever it shall appear to the Collector that any land which is not included in any revenue-free property entered in the existing General Register, should be included in any such property for the purposes of this Act, the Collector may cause a notice to be served on the person believed to be in possession of such lands in the manner prescribed by section fifty, and a general notice to be published as prescribed by section forty-nine, to the effect that such lands will be so included if no objection be made within one month of the service of the said notice, or such longer period as the Collector may allow.

At the expiration of the said month or of such period, the Collector shall proceed to inquire into any objections which may have been made, and to pass such order as he may think fit in respect to the inclusion of the said lands in the said property for the purposes of this Act.

PART IV.

Of the Registration and Mutation of Names.

Proprietor and manager to register within specified time.

38. Every proprietor of an estate or revenue-free property or of any interest therein, respectively, being in possession of such estate, property, or interest, at the commencement of this Act, every joint proprietor of an estate or revenue-free property being in charge of such estate or property, or of any interest

therein, respectively, on behalf of the other proprietors thereof, at the commencement of this Act,

and every person being manager of an estate or revenue-free property, or of any interest therein, respectively, on behalf of a proprietor thereof, at the commencement of this Act,

shall, if his name and the character and extent of his interest have not already been registered, make application in the manner hereinafter provided for the registration of his name and of the character and extent of his interest as such proprietor, or manager, to the Collector of the district on the General Register of which such estate or property is borne, or to any other officer who may have been empowered by the Collector to receive such application, within such time as the Lieutenant-Governor may fix as hereinafter provided.

Lieutenant-Governor may fix date before which proprietor and manager must apply for registration.

39. The Lieutenant-Governor shall, within six months from the commencement of this Act, fix for each district the date or dates before which such proprietors and managers, being in possession of estates or revenue-free properties, or of any interest therein, respectively, at the commencement of this Act, shall be required to apply for registration of their names, and of the character and extent of their interests, under the last preceding section, and may at any time alter any date so fixed, provided that no date so fixed shall be later than five years after the said commencement.

Lieutenant-Governor may fix different dates in respect of different estates.

40. The Lieutenant-Governor may in any district, for the purposes of the last preceding section, fix different dates in respect of estates and revenue-free properties, or in respect of different classes of estates and revenue-free properties, or in respect of different portions of the district:

Provided that no person shall incur any penalty or disability under this Act for failure to apply for registration of his name as such proprietor or manager as aforesaid, until after the lapse of six months from the date on which the notice prescribed by the next succeeding section shall have been published in respect of his estate or property, or in respect of the class of estates or revenue-free properties within which his estate or property falls

or in respect of the portion of the district in which his estate or revenue-free property is situated.

Publication of date fixed by Lieutenant-Governor.

41. Every date fixed by the Lieutenant-Governor as provided in the two last preceding sections shall be published by a notice in the *Calcutta Gazette;*

and also by notices to be posted up

at the Court or office of the Judge, the Magistrate, and the Collector of the district, in respect of which such date is fixed,

at the Court or office of every Munsif, Sub-divisional Officer, and Sub-Registrar of Assurances in such district;

and at every police-station in such district;

and by proclamation to be made by beat of drum at the head-quarters of such district, and in every place in which a sub-divisional office is situated, and in such other places as the Lieutenant-Governor may direct.

The officer in charge of every court, office, and police-station at which a notice is required to be posted up under this section shall certify to the Collector the date on which the notice was so posted up at his court, office, or police-station, and the latest date so certified shall be deemed to be the date of publication of the notice for the purposes of the two last preceding sections.

Persons succeeding to proprietary right in, or management of, estates to give information within six months.

42. Every person succeeding, after the commencement of this Act, to any proprietary right in any estate or revenue-free property, whether by purchase, inheritance, gift, or otherwise;

every joint proprietor of an estate or revenue-free property, assuming charge after such commencement of such estate or property, or of any interest therein, respectively, on behalf of the other proprietors thereof;

and every person assuming charge after such commencement of any estate or revenue-free property, or of any interest therein, respectively, as manager,

shall, within six months from the date of such succession or assumption of charge, make application in the manner hereinafter provided to the Collector of the district on the General Register

of which such estate or property is borne, or to any other officer who may have been empowered by such Collector to receive such applications, for registration of his name and of the character and extent of his interest as such proprietor or manager.

Lieutenant-Governor may exempt certain proprietors from obligations imposed by this Act.

43. Notwithstanding anything contained in section thirty-eight or the last preceding section, the Lieutenant-Governor may in any district exempt proprietors and managers of all or any estates which are liable to pay less than twenty rupees of land revenue annually, and proprietors and managers of all or any revenue-free properties which consist of less than fifty acres of land, from the obligations imposed by this Act in respect of applying for registration of their names, and may at any future time withdraw such exemption and require such proprietors and managers to register their names.

Mortgagee may apply for registration.

44. Every person who holds a mortgage of any proprietary right in any estate may apply to the Collector for registration of his name as such mortgagee, and of the interest in respect of which he is such mortgagee; and in such application shall specify whether he or the mortgagor is in possession. On receipt of such application the Collector shall proceed, as far as possible, according to the manner hereinafter prescribed in respect of applications for registration as proprietor.

Presentation of application.

45. Any application for registration under this Act may be presented by the applicant or by some person duly authorized by him in that behalf.

Manager to specify extent of interest of each person for whom he manages

46. If the applicant under section thirty-eight or section forty-two is a joint proprietor in charge as aforesaid, or a manager, he shall in his application specify the name of the person or persons on behalf of whom he is in such charge or on behalf of whom he is manager, and the character and extent of the interest of every such person.

If application is for registration as manager, appointed by authority, Collector shall register name of applicant on proof of appointment.

47. If the application under section thirty-eight or section forty-two be for registration of the name of the applicant as manager appointed by the Collector, the Court of Wards, or by any Civil or Criminal Court, the Collector shall register the name of the applicant, on proof being produced to his satisfaction that the applicant has been so appointed to be such manager.

Notice to objectors.

48. If the application be for registration otherwise than as manager appointed as mentioned in the last preceding section, and if it sets forth circumstances which would justify the Collector in registering the name of the person whose name is required to be registered, or if after further inquiry the Collector considers that such circumstances exist, he shall issue a notice requiring all persons who object to the registration of the name of the person whose name is required to be registered, or who dispute the character or extent of the interest in respect of which it is required to be registered, to give in a written statement of their objections, and to appear on a day to be specified in such notice, not being less than one month from the date of the publication thereof.

Publication of notice.

49. Such notice shall be published by affixing a copy of the same on or at all the following places :—

(*a*) the zamindari kutchery (if any) of the estate or other place at which the rents are ordinarily received;

(*b*) some conspicuous place in at least one village appertaining to the estate to which the application relates, and if the estate comprises lands situated in more than one local division, then in at least one village in each local division containing such lands;

(*c*) the office or Court of every Collector, Sub-divisional Officer, Judge, and Munsif, within whose jurisdiction, and every police-station within the jurisdiction of which any of the lands to which the application relates are known to be situated.

Notice to transferor.

50. If the application alleges that the applicant has acquired possession of the interest in respect of which he applies to be registered by transfer from any living person, a copy of such notice shall be served on the alleged transferor by tendering to the person to whom it may be directed a copy thereof attested by the Collector, or by delivering such copy at the usual place of abode of such person, or to some adult male member of his family; or in case it cannot be so served, by posting such copy upon some conspicuous part of the usual or last known place of abode of such person.

In case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such way as the Collector issuing such notice may direct.

No fees or other costs shall be payable by the applicant in respect of the service or publication of the notice prescribed by this and the last preceding section.

Irregularity in publication or service of notice not to affect validity of proceedings.

51. No irregularity or omission in the publication or service of notice as required by the three last preceding sections shall affect the validity of any proceedings under this Act, unless it is proved to the satisfaction of the Collector that some material injury was caused by such irregularity or omission.

Inquiry by Collector.

52. On the day fixed in the notice issued under section forty-eight, or as soon thereafter as possible, the Collector shall consider any objections which may be advanced, and make such further inquiry as appears necessary to ascertain the truth of the alleged possession of, succession to, or transfer of the estate, revenue-free property, or interest therein, in respect of which registration is applied for; and if it appears to the Collector that the possession exists,

or that the succession or transfer has taken place, and that the applicant has acquired possession in accordance with such succession or transfer,

but not otherwise,

the Collector shall order the name of the applicant to be registered in the proper Registers as proprietor or manager of the said estate, revenue-free property, or interest therein.

Provided that any person to whom any proprietary right in an estate has been mortgaged, may be registered as mortgagee, whether he be in actual possession or otherwise.

Power to summon witnesses and compel production of documents.

53. For the purpose of the inquiry mentioned in the last preceding section, and of every inquiry held under this Act, the Collector may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

Payment of costs.

54. All costs of any inquiry or proceeding held before the Collector under this Act shall, except as provided in section fifty, be payable by the parties concerned, and the Collector may pass such orders as he shall think fit in respect of the payment of such costs.

Dispute as to possession, succession, or acquisition by transfer.

55. If the applicant's possession of, succession to, or acquisition by transfer of, the extent of interest in respect of which he has applied to be registered, is disputed by or on behalf of any person making a conflicting claim in respect thereof, and if the possession of the applicant in accordance with his application is not proved to the satisfaction of the Collector, the Collector shall determine summarily the right to possession in respect of the interest in dispute, and shall deliver possession accordingly, and shall make the necessary entry in the registers;

or if, in the opinion of the Collector, the dispute be one which can more properly be determined by a Civil Court, the Collector shall refer the matter in dispute to the principal Civil Court of the district for determination as hereinafter provided.

Provided that if the applicant's possession of any extent of interest in accordance with his application be not disputed, or if such possession be proved to the satisfaction of the Collector, the Collector may register the said applicant's name in respect of such extent of interest, and may at the same time make a reference as hereinafter provided to the Civil Court for determination of any dispute as to any further extent of interest in respect of

which the applicant has applied to be registered, but in respect of which the right of the applicant to be registered is disputed, and is not proved to the satisfaction of the Collector.

In cases of disputed possession, &c, Collector may appoint receiver.

56. In any case of disputed possession of, succession to, or acquisition by transfer of, the extent of any interest in respect of which application is made under the last preceding section, the Collector may appoint a receiver to collect the rents of the extent of interest in dispute, and from the sums so collected shall be paid the expenses of management and the revenue due to the Government; and the surplus shall be held in deposit in the Collector's treasury, and shall be paid over to the person who shall be registered by the Collector, or under the order of a Civil Court, in respect of the extent of interest in dispute.

Effect of Collector's order

57. Every order of a Collector passed under the first clause of section fifty-five shall be of the same force and effect as an order passed by the Judge under section 4 of Act XIX of 1841 (*an Act for the protection of moveable and immoveable property against wrongful possession in cases of succession*), determining summarily the right to possession and delivering possession accordingly;

and no proceedings shall be taken by any Civil Court under the said Act in respect of any claim or dispute which has been determined by an order of the Collector as aforesaid.

Procedure on making a reference under section 55

58. In making a reference to the Civil Court under section fifty-five, the Collector shall state for the information of the said Court in writing under his hand

(1) the name of the estate or revenue-free property to which the reference applies, together with the numbers which it bears on the General Register and (if an estate) on the revenue-roll of the district;

(2) the names of all the persons who now stand registered on the General Register as proprietors, managers, or mortgagees of such estate or property, with the character and extent of the interest in respect of which each stands registered;

(3) the name of the applicant for registry;

(4) the character and extent of the interest in dispute;

(5) the circumstances of the case as far as they are before the Collector, and the reasons which have led him to make the reference.

Procedure on receipt of reference.

59. On receipt of such reference the said principal Civil Court of the district may either proceed to determine the matter, or may transfer the matter for determination to any other competent Civil Court in the district. The said principal Civil Court, or the Court to which the matter is transferred, shall cite the parties concerned, and give notice of the time at which the matter will be heard; and after expiration of the time so fixed, shall determine summarily the right to possession in respect of the interest in dispute (subject to regular suit), and shall deliver possession accordingly.

Judge may appoint curator.

60. If it shall appear to the Judge of the Court by which the matter is heard that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, such Judge may appoint curators for the care of the property, and may exercise all or any of the powers mentioned in sections 5 to 13 (both inclusive) of Act XIX of 1841.

Costs.

61. The said Court may make such order as it shall think fit with regard to the payment by the parties of the cost of the inquiry and proceedings.

Provided that no costs shall be recoverable from the parties on account of the issue of notices citing the parties and fixing a date for the first hearing of the case.

Summary decision of Court to be final.

62. The summary decision of the Court under section fifty-nine shall have no other effect than that of settling the actual possession; but for this purpose it shall be final, not subject to any appeal or order for review.

Court to certify its determination to Collector.

63. The Court shall certify to the Collector its determination as to the right of possession, and the Collector shall thereupon make the necessary entries in the proper Registers.

Collector to levy fees on transfers.

64. Fees at the following rates shall be levied by the Collector on the registry under this Act of any transfer—

(1) in the case of revenue-paying lands, one quarter or four annas per centum on the annual revenue payable to Government from the extent of interest transferred;

(2) in the case of revenue-free lands, two and a half per centum on the amount of the annual produce of the extent of interest transferred, such annual produce being the amount of the rents received and receivable on account of the year preceding the year in which the transfer may be registered;

provided that no fee for the registry of any one transfer shall exceed one hundred rupees.

Such fees shall be levied from the person in whose favour the transfer is registered.

All fees levied under this section shall be carried to the account of Government.

Penalty for omitting to comply with provisions of Act.

65. Whoever, being required by this Act to apply for the registration of his name and the extent of his interest in any estate or revenue-free property, voluntarily or negligently omits to make such application within the prescribed time, shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred rupees for such omission, and to such further daily fine as the Collector may think fit to impose, not exceeding fifty rupees, for each day during which such person shall omit to apply for such registration after a date to be fixed by the Collector in a notice requiring such person to apply for registration.

Such notice shall be served in the manner prescribed in section fifty, and the date before which such person is required to apply for registration shall not be less than one month after service of such notice.

Fine may be levied notwithstanding appeal.

66. The Collector may proceed from time to time to levy any amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending.

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

No penalty on person who applies *suo motu*.

67. Notwithstanding anything contained in section sixty-five, no fine shall be imposed by the Collector under the said section on any person on the ground that such person has failed to make application for registration of his name within the time fixed by the Lieutenant-Governor under section thirty-nine or forty,

or on the ground that such person has failed to apply for registration of his name within the time prescribed by section forty-two,

if such person shall, at any time after the expiration of the time fixed or prescribed as aforesaid, of his own motion, and otherwise than after the issue of a requisition by the Collector in that behalf, present such application as is required by this Act for the registration of his name, and of the character and extent of his interest.

Liabilities of proprietors and managers.

68. Save as is provided in section 90 of the Code of Criminal Procedure, all the recorded proprietors and managers of an estate or revenue-free property shall be deemed to be jointly and severally liable for the discharge of any duties and obligations which are by any law for the time being in force imposed upon the proprietors of such estate or property;

and all persons who are required by this Act to apply for registration shall, from the date on which the obligation so to register is imposed on them respectively by this Act, be deemed to be liable for the discharge of any duties and obligations which are by any such law as aforesaid imposed upon the proprietors of the estate or property in respect of which they are required to apply for registration respectively.

PART V.

Of the Opening of Separate Accounts in respect of Shares.

No separate account to be opened otherwise than in accordance with registered interest

69. Notwithstanding anything contained in Act XI of 1859 (*an Act to improve the law relating to sales of land, &c.*), from the commencement of this Act no separate account shall be opened under the provisions of section 10 or of section 11 of the said Act in respect of the share of any applicant under the said sections otherwise than for a share corresponding with the character and extent of interest in the estate in respect of which such applicant is recorded as proprietor or manager under this Act.

Proprietor holding undivided interest in specific lands may apply for separate account

70. When a proprietor of a joint estate, who is recorded as proprietor of an undivided interest held in common tenancy in any specific portion of the land of the estate, but not extending over the whole estate, desires to pay separately the share of the Government revenue which is due in respect of such interest, he may submit to the Collector a written application to that effect. The application must contain a specification of the land in which he holds such undivided interest, and of the boundaries and extent thereof, together with a statement of the amount of Government revenue heretofore paid on account of such undivided interest. On the receipt of this application the Collector shall cause it to be published in the manner prescribed for publication of notice in section 10 of Act XI of 1859.

In the event of no objection being urged by any recorded co-sharer within six weeks from the time of publication, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it.

The date on which the Collector records his sanction to the opening of a separate account shall be held to be that from which the separate liabilities of the share of the applicant commence.

71 Section 12 of the said Act XI of 1859 shall apply to every application made under the last preceding section; and the effect and consequences of opening a separate account under the last preceding section shall be such and the same as are described in section 13 and in section 14 of Act XI of 1859.

Sections 12, 13, and 14 of Act XI of 1859 applicable

72 Whenever any share in respect of which a separate account has been opened by the Collector under section 10 or section 11 of the said Act XI of 1859, or under section seventy, shall no longer correspond with the character and extent of interest held in the estate by any one proprietor or manager, or jointly by two or more proprietors or managers, any proprietor or manager whose name is borne on the General Register under this Act as proprietor or manager of any interest in the share in respect of which such separate account is open, may submit to the Collector a written application setting out the circumstances under which such share no longer corresponds with the extent of interest held in the estate by any recorded proprietor or manager, or jointly by two or more recorded proprietors or managers, and specifying the manner in which such share has become broken up and distributed among the proprietors of the estate, and praying that the separate account standing open in respect of such share shall be closed, and, if he so desire, praying that another separate account be opened in respect of any other share or shares which were wholly or partly included in the share in respect of which the previous separate account was open.

Application to close a separate account

Illustration

In a certain estate separate accounts have been opened under section 10 of Act XI of 1859 for the 4 annas share of A, and also for the 5 annas share of B, the accounts of the remaining 7 annas share being kept jointly in the names of the remaining proprietors C, D, and E.

In course of time X has inherited A's 4 annas share, and also C's interest in the 7 annas share, which amounted to 3 annas, X has also

acquired by purchase 2 annas out of B's 5 annas share, so that the interests in the estate are now distributed as follows:—

X	... ...	9 annas
B	... ...	3 „
D & E	... ...	4 „

X, if a recorded proprietor of the estate, may apply to the Collector to close the separate account which is open in respect of A's 4 annas share, and also the separate account which is open in respect of B's 5 annas share, as neither of these shares corresponds with the extent of interest held by any one proprietor, or held jointly by two or more proprietors in the estate;

and in the same application X may apply for the opening of a separate account in respect of the 9 annas share which he now holds.

Any of the other proprietors might also make a similar application.

Separate account may be closed and another opened.

73. On receipt of such application the Collector shall cause a copy of the same to be published in the manner provided in section 10 of Act XI of 1859; and if within six weeks from the date of such publication no objection is made by any other recorded proprietor of the estate, the Collector shall close the separate account which then stands open, and shall open a separate account with the applicant as required by him, under section 10, or section 11 of Act XI of 1859, or under section seventy, as the case may be.

Procedure in case of objection.

74. If any recorded proprietor of the estate, whether the same be held in common tenancy or otherwise, object that the share in respect of which any separate account is open as aforesaid has not been broken up, and does still correspond with the character and extent of interest held by any one proprietor or manager, or jointly by two or more proprietors or managers,

or object that the applicant has no right to the share claimed by him, or that his interest in the estate is less or other than that claimed by him,

or (when the application is in respect of a specific portion of the land of an estate, or in respect of an undivided interest held in common tenancy in any specific portion of the land of the estate,) object that the amount of Government revenue stated by the applicant to have been heretofore paid on account of such portion of land, or on account of the applicant's undivided

interest therein, is not the amount which has been recognized by the other sharers as the Government revenue thereof,

the Collector shall refer the parties to the Civil Court, and shall suspend proceedings until the question at issue is judicially determined.

PART VI

MISCELLANEOUS.

Collector must furnish extract from Register

75. The Collector shall supply an extract from any Register mentioned in this Act to any person who may apply for the same, subject to the payment of such fees for searching and copying as may be prescribed by the Board.

Collector must furnish translation of extract

76. If in any district any Register prescribed by this Act has not been prepared and kept up in the vernacular language and character of the district, the Collector shall be bound, together with any English extract which may be furnished under the last preceding section, to furnish a translation of the same in the vernacular language and written in the vernacular character of such district to any one who may demand such translation, and no further charge shall be made in respect of the furnishing of such translation than might have been charged in respect of the English extract furnished under the said section.

Changes in names of proprietors, &c., and extent of interest to be notified on estate.

77. Whenever any change shall be made by order of competent authority in the names of the recorded proprietors or managers of any estate or revenue-free property, or in the character or extent of the interest of any such proprietor or manager as entered in any register mentioned in this Act, so soon as the order under which such change in the entry may have been made shall have been confirmed on appeal, or so soon as the period for presenting an appeal against such order shall have expired without the presentation of an appeal, the Collector shall cause a notice of such change to be posted up at his office, at the office of every sub-divisional officer within whose jurisdiction any lands of the estate or revenue-free property con-

cerned are situated, and at such places as he may think fit on the estate or property; and every such notice shall set out the name of every proprietor and manager of the estate or revenue-free property concerned, and the character and extent of the interest of every such proprietor and manager as it stands recorded on the General Register on the date of the issue of the notice.

No person bound to pay rent in excess of recorded interest of claimant

78. No person shall be bound to pay rent to any person claiming such rent as proprietor, or manager, of an estate or revenue-free property in respect of which he is required by this Act to cause his name to be registered, or as mortgagee, unless the name of such claimant shall have been registered under this Act;

and no person being liable to pay rent to two or more such proprietors, managers, or mortgagees holding in common tenancy, shall be bound to pay to any one such proprietor, manager, or mortgagee more than the amount which bears the same proportion to the whole of such rent as the extent of the interest in respect of which such proprietor, manager, or mortgagee is registered bears to the entire estate or revenue-free property.

Indemnity to persons paying rent to registered proprietor, manager, or mortgagee

79 The receipt of any proprietor, manager, or mortgagee, whose name and the extent of whose interest is registered under this Act, shall afford full indemnity to any person paying rent to such proprietor, manager, or mortgagee.

Collector may pay certain sums due to recorded proprietors in accordance with registered interests of each

80 Whenever any sum of money shall be payable by the Collector to the proprietors of any estate or revenue-free property jointly (otherwise than under the Land Acquisition Act, 1870), the Collector may pay to any one or more recorded proprietors or managers thereof respectively such portion of the said sum as may be proportionate to the extent of the interest in respect of which each such proprietor or manager is registered, and the receipt of each such proprietor or manager shall afford full indemnity to the Collector in respect of any sum so paid.

Saving of written contracts and recovery from person receiving money.

81. Nothing contained in the three last preceding sections shall be held to interfere with the conditions of any written contract, or to prevent any person deeming himself entitled to any sum of money from recovering such sum by due process of law from any other person who has received the same.

Every amount due deemed to be a demand under Bengal Act VII of 1868.

82. Every amount which may become due to the Collector under the provisions of this Act in respect of any expenses incurred, of any fees payable, of any notices served, of any costs payable by any party, or of any fines imposed, shall be deemed to be a demand under section 1 of Bengal Act VII of 1868 (*an Act to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*), and shall be leviable as such.

Collector may require proprietor to name estate.

83. The Collector may by a notice require the proprietor or manager of any estate or revenue-free property to name such estate or property by a distinctive name, and in case of failure of such proprietor or manager to comply with the requisition within the time fixed by the Collector, may name such estate or property.

Collector may delegate duties.

84. The Collector may, by a special or a general order, delegate to any Assistant Collector, Deputy Collector, or Sub-Deputy Collector, the performance of any duty, and the exercise of any function, which the Collector is required or empowered to perform or exercise under this Act, except in respect of appeals;

And any Assistant, Deputy, or Sub-Deputy Collector to whom any duty or function is so delegated may exercise all the powers of a Collector under this Act, except in respect of appeals.

Appeal.

85. Every order passed under this Act by any revenue officer below the rank of the Collector of the district (not being an officer specially vested with appellate powers as hereinafter mentioned) shall be appealable to the Collector of the district, or to any officer who may have been specially vested by the Government with special appellate powers in this behalf,

and there shall be no further appeal from any order so passed in appeal confirming the order appealed against,

but an appeal shall lie to the Commissioner of the Division against every order so passed in appeal which modifies or reverses the order appealed against.

Every order passed by the Collector of the district, or by any officer specially vested with appellate powers as aforesaid, being passed otherwise than on appeal from the order of another officer, shall be appealable to the Commissioner of the Division.

Every appeal to the Collector shall be presented within fifteen days of the date of the order appealed against;

and every appeal to the Commissioner shall be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the order appealed against;

and every appeal presented after the lapse of the time fixed by this section may be summarily rejected, unless sufficient cause shall be shown to the satisfaction of the appellate authority for admitting the appeal after the lapse of such time.

Every order passed by any officer subordinate to a Commissioner shall be subject at any time to revision and modification by such Commissioner;

and every order passed by any such officer or by such Commissioner shall be subject at any time to revision and modification by the Board.

Exclusion of time in case of appeals

86. In computing the period of limitation prescribed for an appeal, the day on which the order complained of was made, and the time requisite for obtaining a copy of the same, shall be excluded.

Lieutenant-Governor may vest officer with special appellate powers.

87. The Lieutenant-Governor may from time to time vest any officer other than the Collector of the district with special appellate powers under this Act; and every officer so vested shall be competent to hear and decide any appeal which the Collector of the district is competent to hear and decide under this Act.

Board may make certain rules.

88. Within four months of the date on which this Act comes into force, the Board shall make general rules consistent with this Act to regulate—

the form in which Registers under this Act are to be kept;

the procedure as to the presentation, admission, and verification of applications for registration under Part IV, and as to inquiries under section fifty-two,

and generally for the purposes of this Act.

The Board may from time to time cancel or alter any such rules.

Saving clause

89. Nothing contained in this Act, and nothing done in accordance with this Act, shall be deemed to

(*a*) preclude any person from bringing a regular suit for possession of, or for a declaration of right to, any immoveable property to which he may deem himself entitled;

(*b*) render the entry of any land in the Registers under this Act as revenue-free an admission on the part of Government of the right of the person in whose name such land may be entered, or an admission of the validity of the title under which the said land is held revenue-free;

(*c*) affect the rights of the Government or of any person in respect of any immoveable property or of any interest, except as otherwise expressly provided herein.

SCHEDULE OF REGULATIONS REPEALED.

See Section 2.

Number and year.	Subject or abbreviated title.	Extent of repeal.
XIX of 1793 ..	Non-badshahi lakhiraj grants.	Sections twenty-one, twenty-two, twenty-nine to thirty-four; sections thirty six to forty-one; so much of sections forty-two and forty-three as have not been repealed, sections forty-four to forty-six, all inclusive.
XXXVII of 1793 ...	Badshahi lakhiraj grants.	Sections sixteen to eighteen, twenty-four, twenty-six to twenty-nine; thirty-one to thirty-three, thirty-five, thirty-six, so much of section thirty-seven as has not been repealed, section thirty-eight, so much of section thirty-nine as has not been repealed, sections forty to forty-one, all inclusive.
XLVIII of 1793 ...	A Regulation for forming a quinquennial register, &c.	So much as has not been repealed.
LVIII of 1795 ...	Granting to the Collectors a commission on the jumma of certain lands.	So much as has not been repealed.
XV of 1797 ...	Levying Fees, &c. ...	The whole.
VIII of 1800 ...	Pergunnah Register ...	So much as has not been repealed, except section nineteen.

Reg. No. 5862—2000—24 8-76.

ACT No. VIII of 1876.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 26th August* 1876, *and of the Governor-General on the* 18*th September* 1876.)

An Act to make better provision for the Partition of Estates.

Preamble

WHEREAS it is expedient to consolidate and amend the law relating to the partition of estates; It is enacted as follows:—

PART I.

PRELIMINARY.

Short Title.

1. This Act may be called the "Estates' Partition Act, 1876."

Local extent

It extends to the territories for the time being under the administration of the Lieutenant-Governor of Bengal;

Commencement.

And it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, which date is hereinafter referred to as the commencement of this Act.

Laws repealed.

2. On the commencement of this Act, the Regulations and Acts specified in the schedule hereto annexed, to the extent mentioned in the third column thereof, shall cease to have effect in the territories subject to the Lieutenant-Governor of Bengal, save so far as they repeal or modify any other Regulations or Acts, and save so far as regards the partition of any estate which shall be pending at the time of the said commencement.

Price 8 *annas*

The partition of any estate which shall be pending at the time of the commencement of this Act shall (except as provided in the next succeeding section) proceed and be completed in the same manner as if this Act had not been passed.

Certain provisions of Act applicable to partition cases pending at the time of its commencement.

3. The provisions of this Act, so far as they relate to the continuation of a partition from the point which it has reached, or to the staying of the partition of an estate, or to striking a partition case off the file, may be applied, at the discretion of the Collector, in all cases of partition of estates pending at the time of the commencement of this Act; provided that, before applying such provisions to the continuation of a partition, the Collector give due notice in each case to the parties concerned that such provisions will be applied.

Interpretation clause

4. In this Act—unless there be something repugnant in the subject or context—

"Amin."

(i) "Amin" means a person who is appointed by the Collector or Deputy Collector to make any measurement, survey, or local inquiry, or to prepare the papers showing the result of any measurement, survey, or local inquiry.

"Applicant."

(ii) "Applicant" means any person who has applied to the Collector under the provisions of this Act for the separation from the parent estate of lands representing his interest in such parent estate, and for the assignment to him of such lands as a separate estate liable for a demand of land revenue distinct from that for which the parent estate is liable.

"Assets of land."

(iii) "Assets of land" include the rental of the land with respect to which the expression is used, and all profits derived by the proprietors out of such land from rights of pasturage, forest-rights, fisheries, and all other legal sources.

"Assets of an estate"

(iv) "Assets of an estate" mean the assets of all land included in an estate.

(v) "Board" means the Board of Revenue for the provinces for the time being subject to the Lieutenant-Governor of Bengal.

"Board."

(vi) "Chapter" means a chapter of this Act.

"Chapter."

(vii) "Deputy Collector" includes any Assistant Collector, Deputy Collector, or Sub-Deputy Collector whom the Collector may appoint (as he is hereby empowered to do) to effect a partition and allotment of assessment under this Act, or to conduct any of the proceedings connected with such partition and allotment.

"Deputy Collector."

(viii) "Estate" means all lands which are borne on the revenue-roll of a Collector as liable for the payment of one and the same demand of land revenue.

"Estate."

(ix) "Joint undivided estate" means all lands which are borne on the revenue-roll of a Collector as liable for the payment of one and the same demand of land revenue, and of which two or more persons are proprietors.

"Joint undivided estate."

(x) "Land" does not include the houses and buildings standing thereon.

"Land."

(xi) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Lieutenant-Governor."

(xii) "Parent estate" means any estate for the partition of which proceedings may be in progress under this Act, or of which the partition may have been effected under this Act.

"Parent estate."

(xiii) "Proprietor" includes every person who is in possession of any estate under partition, or of any portion of such estate, or of any interest in such estate, or in any part of such estate, as owner thereof, whether such person be or be not a recorded proprietor of the estate.

"Proprietor"

(xiv) "Recorded proprietor" means a person whose name is registered on the Collector's General Register of revenue-paying lands as proprietor of an estate, or of any share or interest therein.

"Recorded proprietor."

"Section"

(xv) "Section" means a section of this Act.

"Separate estate"

(xvi) "Separate estate" means any distinct estate which may be formed by the partition of a parent estate under this Act, or for the formation of which proceedings may be in progress under this Act.

"The Collector"

(xvii) "The Collector" means the Collector of the district on the revenue-roll of which the estate under partition, or which it is proposed to bring under partition, is borne, and includes any officer whom the Board may generally vest (as it is hereby empowered to do) with the powers of a Collector under this Act, and to whom the Collector of the district has, with the sanction of the Commissioner, delegated (as he is hereby empowered to do) any of his duties and functions in respect of the partition of any estate; and any officer whom the Board may specially vest (as it is hereby empowered to do) with the powers of a Collector for the purposes of any partition under this Act.

"The Commissioner"

(xviii) "The Commissioner" means the Commissioner of Revenue to whom the Collector engaged in making the partition is subordinate.

Future partitions to be made under provisions of this Act.

5. All partitions of estates which shall be ordered to be made after the commencement of this Act, shall be made under the provisions of this Act, and no such partition made otherwise than under this Act shall relieve any lands from liability to Government for the total demand of land revenue assessed upon the estate of which they form a part.

Revenue to be assessed on each separate estate

6. The amount of land revenue assessed on each separate estate shall bear the same proportion to the whole amount of land revenue for which the parent estate was liable, as the assets of such separate estate bear to the whole assets of the parent estate.

Definition of rental

7. Except as hereinafter otherwise expressly provided, the average of the amount of rent which was payable for any land by the cultivating ryots

during the three years immediately preceding the year in which proceedings are taken under this Act for the partition of the estate shall, for the purposes of this Act, be deemed to be the rental of such land;

and if any land is not let, but is held and occupied directly by the proprietors or any of them, the annual rent for which such land might reasonably be expected to let shall be deemed to be the rental of such land.

Exception 1.—If the rent payable by the cultivating ryots on account of any land shall have been determined by any Court of competent jurisdiction, or shall have been altered with the consent of the said ryots at any time during the said three years, the amount so determined, or the amount to which the rent may have been so altered, may, if the Collector think proper, be deemed to be the rental of the land.

Exception 2 —If any land is held on a permanent tenure which was created by all the proprietors of the estate, and which by any law for the time being in force is protected against the purchaser at a sale for arrears of revenue, the rent payable by the holder of such tenure shall be deemed to be the rental of such land.

Exception 3.—If any land is held on a tenure which, although not protected as aforesaid, is admitted by all the recorded proprietors of the estate to be a permanent tenure created by all the proprietors of the estate, subject only to the payment of an amount of rent fixed in perpetuity, and of such nature that the rent thereof is not liable to be enhanced under any circumstances by the proprietors of the said estate, or any person deriving his title from such proprietors, the rent payable by the holder of such tenure (whether he be known as talukdar, patnidar, mukarraridar, or by any other designation) shall be deemed to be the rental of such land.

Exception 4.—If any land be unoccupied, such amount as the Collector may determine, with reference to all the circumstances of the case, shall be deemed to be the rental of such land.

PART II.

Of the Right to claim Partition.

Who entitled to claim partition

8. Except as hereinafter otherwise provided, every recorded proprietor of a joint undivided estate, who is in actual possession of the interest in respect of which he is so recorded, is entitled to claim a partition of the said estate, and the separation therefrom and assignment to him as a separate estate of lands representing the interest of which he is in such possession; provided that, and as far only as, such partition, separation, and assignment can be made in accordance with the provisions of this Act.

Any two or more such recorded proprietors may claim that lands representing the interests of all such claimants may be formed into one separate estate, to be held by them as a joint undivided estate; and every provision of this Act which applies to an applicant for partition shall apply to any two or more persons making such joint claim.

Partition according to interest.

9. (*a*) If the interest of any recorded proprietor who is entitled to claim partition as aforesaid is an undivided share in an estate held in common tenancy, such person shall be entitled to have assigned to him as his separate estate lands of which the assets shall bear the same proportion to the assets of the parent estate as his undivided share in the parent estate bears to the entire parent estate.

(*b*) If the interest of such recorded proprietor is the proprietary right of certain specific mouzahs or lands forming part of the parent estate, and held by him in severalty, he shall be entitled to have assigned to him as his separate estate the said mouzahs or lands.

(*c*) If the interest of such recorded proprietor consists of an undivided share held in common tenancy in certain specific mouzahs or tracts forming part of the parent estate, but not extending over the whole area of the parent estate, he shall be entitled to have assigned to him as his separate estate lands situated within such specific mouzahs or tracts, of which the

assets shall bear the same proportion to the assets of such specific mouzahs or tracts as his undivided share in such specific mouzahs or tracts bears to the entire mouzahs or tracts.

Provided that, if the interest of such recorded proprietor consists of such undivided share in more than one mouzah or tract, he shall not be entitled to have lands assigned to him in every such mouzah or tract, but the Collector may assign to him as his separate estate lands situated in any one or more of the said mouzahs or tracts, provided that the assets of such lands are in proportion to the aggregate of the interests which he holds in all such mouzahs or tracts.

(*d*) If such recorded proprietor holds in the parent estate more than one of the kinds of interest specified in this section, lands shall be assigned to him as far as possible in accordance with the principles above laid down.

Life estate.

10. Notwithstanding anything hereinbefore contained, no person having a proprietary interest in an estate for the term of his life only shall be deemed to be a person entitled to claim partition under this Act.

No partition of a permanently-settled estate allowed if separate estate liable for less than one rupee annual land revenue until proprietor agrees to redeem.

11. No application for the partition of a permanently-settled estate shall be admitted, and if the application shall have been admitted, no partition shall be carried out in accordance with such application, if the separate estate of any of the proprietors would be liable for an annual amount of land revenue not exceeding one rupee, until the proprietor of such separate estate agrees to redeem the amount of revenue for which his estate would be liable, by payment of such sum as the Lieutenant-Governor may fix with reference to the circumstances of such estate.

Partition of an estate in which private division has been made, not to be made except on joint petition of proprietors or on order of Civil Court.

12. Whenever a division of the lands of any estate has been made by private arrangement of the proprietors thereof, and in accordance with such arrangement each proprietor is in possession of separate lands held in severalty as representing his interest in the estate, no such estate shall be brought under partition, and no partition

of such estate shall be made under this Act otherwise than on a joint petition presented under section one hundred and one or section one hundred and five by all the proprietors thereof, unless such partition shall have been ordered to be made by a Civil Court.

Under certain circumstances Collector may refuse to declare lands held in severalty to be a separate estate

13. The Collector may refuse to admit an application for the formation of lands held in severalty into a separate estate, if in consequence of such lands being intermingled with those held by other proprietors the result of the partition would be to form out of a compact estate one or more estates consisting of scattered parcels of land in such a way as, in the opinion of the Collector, to endanger the safety of the land revenue, and the Collector may at any time refuse to proceed with a partition which would have such a result

But a partition may be allowed in such a case if the recorded proprietors shall agree to such a distribution of land as shall make the estates formed by the partition reasonably compact.

Nothing in this section shall be understood to prohibit the partition into separate estates of a parent estate which before such partition is not compact and consists only of scattered parcels of land.

Interest alienated with special condition as to revenue liability

14. No proprietor who has alienated any portion of his interest in an estate, or in any specific lands of an estate, by private contract, with the condition that the transferee shall be liable in respect of the interest acquired by him to pay a specified amount or a specified share of the land revenue for which the estate is liable (such amount or share being other than the proportionate amount or the proportionate share for which such transferred interest if formed into a separate estate would be liable under the provisions of section six);

and no proprietor who has derived his title from any proprietor who has made any alienation as aforesaid,

shall be entitled to claim a separation under this Act of the interest which he continues to hold in the estate;

and no such transferee as aforesaid, and no person deriving his title from such transferee, shall be entitled to claim a separation of the interest which has been so acquired;

Provided that a separation of such interests may be made, if the parties concerned agree to waive the conditions of the contract as regards the proportion of revenue for which the transferor and transferee or their representatives respectively are liable, and to hold the estates which may be allotted to them respectively by the partition, subject to the payment of such amount of land revenue as may be assessed upon them respectively by the revenue authorities under his Act.

Arrears of revenue may be realized by sale of parent estate.

15. Notwithstanding that a parent estate may have been declared to be under partition as provided in section thirty-one, any arrears of revenue accruing due on such estate before the date specified in the notice issued under section one hundred and twenty-three may be realized by sale of the parent estate as if such estate had not been declared to be under partition; and if such sale takes place, the partition proceedings shall cease from the date thereof.

Shares may be protected from liability for arrears under laws in force.

16. Nothing contained in the last preceding section shall be deemed to affect the provisions of sections 10, 11, 12, 13, or 14 of Act XI of 1859 *(an Act to improve the law relating to sales of lands for arrears of revenue)*, or any provisions of any similar law for the time being in force in respect to the opening of separate accounts for different shares in an estate, and the protection afforded to such shares thereby:

Provided that, if any share in any estate is sold for its own arrears of revenue while such estate is under partition in accordance with the provisions of this Act, such share shall be sold subject to the partition proceedings, which shall proceed as if no such sale had taken place; and the purchaser of the share sold may, from the date of such sale, exercise all the rights which the proprietor whose share he has purchased might have exercised, and shall be subject to all the liabilities to which such proprietor would have been subject in respect of the partition proceedings.

PART III.

OF THE APPLICATION FOR THE PARTITION; THE ADMISSION OF AN ESTATE TO PARTITION; AND THE DISCONTINUANCE OF THE PARTITION PROCEEDINGS AFTER SUCH ADMISSION.

Application for partition to be made to Collector of the district

17. All applications for partition shall be made to the Collector of the district on the revenue-roll of which the estate is borne, and shall be made in person, or by duly authorized agent, on paper bearing such stamp as may be required by any law for the time being in force.

Application to be signed, and certain particulars specified

18 The application shall be signed by the applicant, and shall supply the following information in regard to the parent estate, so far as the particulars are known to the applicant or can be ascertained by him:—

(*a*) name of the estate;

(*b*) number under which the estate is borne on the revenue-roll, and the revenue demand for which it is liable;

(*c*) number under which the estate is borne on the Collector's General Register of revenue-paying lands;

(*d*) name and address of every proprietor, whether recorded or unrecorded;

(*e*) the character and extent of the interest of which each proprietor is in possession;

(*f*) a specification of any lands held by all or any of the proprietors of the parent estate in common with all or any of the proprietors of other estates, and of the rights of such proprietors respectively in such lands.

Application must be accompanied by copy of rent roll and statement of rents

19. Subject to the provisions of section sixty-one, every application shall, if possible, be accompanied by a copy of the rent-roll of the estate, by a statement of the rents collected from such estate on behalf of the applicant during each of the three years immediately preceding such application,

and by copies of any measurement papers of the estate which the applicant may have in his possession.

The said rent-roll, statement, and measurement papers shall be attested by the patwaris of the villages, if any, and every such application, rent-roll, and statement shall be presented, subscribed, and verified as provided in section fifty-two.

If the applicant is unable to produce a rent-roll or statement as above required, he shall state the reason of such inability, and the name and address of the person who has in his possession the information necessary for the preparation of such rent-roll and statement, and the Collector may, if he shall think fit, require such person to produce such rent-roll and statement.

Collector may reject application.

20. If the application does not fulfil the requirements of the three last preceding sections, the Collector may reject such application or may order it to be amended.

Procedure of Collector on receipt of application.

21. If in the opinion of the Collector the application fulfils the said requirements, and there appears to be no objection to making the partition, the Collector shall publish a notification of the application in the manner prescribed in section one hundred and thirty-four, and shall also cause copies thereof to be posted up at the Court of the Judge of the district, at the court of every Munsif and Sub-divisional Officer within whose jurisdiction, and at every Police Station within the jurisdiction of which any lands appertaining to the estate are known to be situated, and shall invite any person claiming any proprietary right in the estate, who may object to the partition, to state his objection either in person, or by duly authorized agent, on a day to be specified in the notification, not being less than thirty or more than sixty days from the date of the publication of the notification on the estate.

Notice to proprietors who have not joined therein.

22. Notice of the application shall also be served in the manner prescribed by section one hundred and thirty-five on such of the recorded proprietors of the estate as shall not have joined in the application, and on any other proprietor who may have been named in the application.

23. If any objection be made to the partition by any person claiming a proprietary right as aforesaid on or before the day specified in the notification published under section twenty-one, or at any subsequent time if it shall seem fit to the Collector to admit such objection, and the Collector, on consideration of such objection, shall be of opinion that there is good and sufficient reason for rejecting the application, he may reject the same, and in that case shall record the grounds of such rejection.

In case of valid objection being made within time allowed, application may be refused.

24. If the objection raises any question of the extent of interest, or of right or title as between any applicant and any other person claiming to be a proprietor of the parent estate, and if it shall appear to the Collector that such question has not been already determined by a Court of competent jurisdiction, the Collector may hold such inquiry as he may deem necessary into the objection, and, if he be satisfied that the applicant is in possession of the extent of the interest for the separation of which he has applied, may, instead of rejecting the application as provided in the last preceding section,

Procedure when objection raises any question of title or right.

(*a*) direct that the partition proceedings shall proceed for the purpose of forming and assigning to the applicant a separate estate in accordance with the extent of interest claimed by him in the parent estate; or

(*b*) direct that such proceedings be postponed for four months.

25. At the expiration of the said four months, the Collector shall resume the proceedings, unless the person who has made the objection, or some other person, shall have obtained an order from a Civil Court directing that such proceedings be stayed, or shall be able to show that a suit has been instituted before such Court to try some question, of such nature that the Collector shall think fit to stay the proceedings until the question shall have been finally decided, or until the proceedings in such Court in respect thereof shall have terminated.

When Collector to resume proceedings.

Suit in Civil Court when not to affect proceedings taken under this Act.

26. No suit instituted in a Civil Court by any person claiming any right or title in the parent estate, after the lapse of four months from the issue of an order of the Collector under clauses (*a*) and (*b*) of section twenty-four, or after the lapse of four months from the issue of an order of the Collector under section thirty-one declaring the estate to be under partition, shall avail to stay or affect the progress of any proceedings which shall have been taken under this Act for the partition of an estate; and all rights which may be conferred on any person by the final decree in such suit shall be subject to such proceedings in the manner hereinafter provided.

Decree made while partition proceedings are in progress.

27. Every decree passed in such suit after the parent estate shall have been declared to be under partition as provided in section thirty-one, but before the date specified in the notice under section one hundred and twenty-three, shall be made in recognition of the proceedings then in progress under this Act for the partition of such parent estate, and shall be framed in such manner that the provisions of such decree may be applied to, and may be carried out in reference to the separate estates which the Collector in his proceeding under section thirty-one shall have ordered to be formed out of the parent estate;

and if the effect of any such decree be to declare any person or body of persons entitled to any extent of interest in such parent estate in excess of the extent of interest which the Collector in the said proceeding has declared to be held by such person or body of persons, such decree shall specify, separately in respect of every proprietor or body of proprietors of whose interests the Collector has separately specified the extent in the said proceeding, the proportion of such excess which such person or body of persons is entitled to recover from every such proprietor or body of proprietors;

and every person or body of persons so declared entitled to recover any extent of interest from any such proprietor or body of proprietors shall, for the purposes of the partition proceedings, be deemed to have the same rights, and to be subject to the same

liabilities, as a person who has acquired such extent of interest from such proprietor or body of proprietors by private purchase after the estate was brought under partition under section thirty-one, and on the date on which the decree was passed;

and such person or body of persons may apply, as in this Act provided, for the separation and assignment to him, or them, of the lands representing the extent of interest so acquired;

and such application shall be dealt with as provided in section thirty-two.

Decree made after partition proceedings completed.

28. Every decree passed after the date specified in the notice under section one hundred and twenty-three, in a suit which was instituted as mentioned in section twenty-six, shall be made in recognition of the partition proceedings, and shall be framed in such manner as to give effect to such division of the parent estate into separate estates as shall have been made by the Collector, and not to disturb such division; and if the effect of any such decree shall be to declare any person or body of persons to have been entitled to any extent of interest in the parent estate in excess of the extent of interest which is represented by the separate estate assigned to such person or body of persons by the Collector in the partition proceedings, such decree shall specify, separately in respect of the proprietor or joint proprietors of every separate estate formed by the partition, the proportion of such excess of interest which such person or body of persons is entitled to recover from such proprietor or joint proprietors; and every person or body of persons so declared entitled to recover any extent of interest from the proprietor or joint proprietors of a separate estate shall be entitled to recover such extent of interest out of the separate estate which has been assigned to such proprietor or joint proprietors, and out of such separate estate only;

and every such decree as aforesaid shall be executed by placing the person or persons so declared entitled to recover in the position of a recorded joint proprietor or recorded joint proprietors of such separate estate, holding the same as a joint undivided estate in common tenancy with the proprietor or joint proprietors to whom such separate estate was assigned by the Collector in the

partition proceedings, the extent of the interest of the joint proprietors respectively in such estate being such as is declared in the aforesaid decree.

Civil Court may order partition.

29. Subject to the provisions of section eleven, a Civil Court may at any time direct the Collector to assign to any person lands representing a specified interest in any estate, or in any specified village or tract of land in an estate, to be held by such person as a separate estate, or to divide off from any estate any specified villages or lands, and to assign them to any person to be held as a separate estate, provided that an application for such partition and separation shall be presented by such person, as required by sections seventeen, eighteen, and nineteen; but no Civil Court shall in any case specify the amount of revenue for which any separate estate which it may direct to be formed under the provisions of this section shall be liable.

Collector to assess land revenue in accordance with this Act.

30. The Collector shall assess the land revenue on every such separate estate in accordance with the provisions of this Act, and no Civil Court shall direct the Collector to carry out a partition otherwise than in accordance with the provisions of this Act.

Collector may declare the estate to be under partition.

31. If no objection be made within the time allowed under section twenty-one to an application for partition, or when all objections have been disposed of, and if the Collector has no reason to believe that any obstacle exists to his making the partition as applied for, he shall direct that the application be admitted, and record a proceeding declaring the estate to be under partition, for the purpose of forming and assigning to the applicant a separate estate.

In such proceeding the Collector shall declare the extent of interest in the parent estate which he finds to be held by the applicant or joint applicants;

and, if more than one separate application for separation shall have been made and admitted, the extent of interest which he finds to be held by every separate applicant or body of joint applicants respectively;

and also the extent of interest which remains to any recorded proprietor, or to any number of recorded proprietors who are not applicants;

and shall order that lands proportionate to the interest so declared to be held by each applicant, or body of joint applicants respectively, shall be formed into a separate estate, to be assigned to such applicant or body of joint applicants;

and that lands proportionate to the interest so declared to remain to the recorded proprietor, or the number of recorded proprietors who are not applicants, shall be left forming a separate estate.

Subsequent application for separation of another share.

32. If at any time after the Collector has made an order for partition under the last preceding section any recorded proprietor in the estate, other than the original applicant, shall apply for the separation of his share, the Collector may either order that the proceedings for effecting such separation shall be carried on simultaneously with those for separating the share of the original applicant, or, if he consider that such a course would entail delay in the completion of the original proceedings, he may order that no action shall be taken on such subsequent application until after the proceedings for the separation of the original applicant's share shall have been completed.

In the latter case all or any of the rent-rolls, measurements, and other papers which were used in the separation of the original applicant's share, may be used, as far as they are applicable, in the partition for which subsequent application has been made.

Collector may refer application for partition to any Deputy Collector.

33. The Collector may refer any application for partition to a Deputy Collector for the purpose of making any enquiries and doing anything required by this Part; provided that every order—

(*a*) rejecting an application under section twenty-three;

(*b*) directing, under section twenty-four, that the partition shall proceed, or shall be postponed;

(*c*) directing, under section thirty-one, that an application for partition be admitted, and declaring an estate to be under partition;

(*d*) made under the first clause of the last preceding section;

(*e*) appointing a Deputy Collector under the next succeeding section to carry out the partition;

shall be passed by the Collector and not by any Deputy Collector.

As soon as estate declared to be under partition, Collector may appoint Deputy Collector.

34. As soon as the Collector has declared an estate to be under partition as provided in section thirty-one, he may appoint a Deputy Collector to carry out the partition, and all or any of the proceedings necessary thereto.

Partition may be stayed if parties so desire. Recovery of costs.

35. If, at any time after an order shall have been passed for making a partition, all the recorded proprietors of the estate shall present a petition to the effect that they do not wish the partition to proceed, the Collector may, on the report of the Deputy Collector or otherwise, strike the partition case off the file, on payment by the proprietors of all costs and expenses incurred in and about such partition; and any such costs and expenses which shall not already have been levied as provided in section thirty-nine or section forty, shall be levied in proportion to the shares of the respective proprietors.

Partition may be stayed and proceedings quashed by Commissioner.

36. If at any time after an order shall have been passed for making a partition, it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise, that any sufficient reason exists why the partition should not be proceeded with, the Commissioner may, on the report of the Collector or otherwise, after issuing a notice calling on the persons interested to show cause why the partition should not be struck off the file, and after considering any objections which may be made, order the partition case to be struck off the file; and in such case any costs and expenses of the partition which shall not already have been levied as provided in section thirty-nine or section forty shall be levied in proportion to the shares of the respective proprietors.

PART IV.

OF ESTABLISHMENTS FOR EFFECTING PARTITIONS AND OF THE COST THEREOF.

Deputy Collector may appoint officers for making measurement of lands, &c.

37. For the purposes of this Act, the Deputy Collector may, with the approval of the Collector, and subject to any rules made in that behalf by the Board, appoint such establishments as may be required for making the measurement and survey of lands, for ascertaining and recording the rates of rent, for making any other local inquiries, for the preparation of the papers, and for other matters in each case; and the Collector may appoint such peshkars or other superior officers as may be required to test the work of the amins, and for the performance of similar duties; provided that the scale of remuneration of such officers, and the time for which they shall be employed, shall be sanctioned by the Commissioner.

Special establishments may be appointed.

38. In any district or division in which partitions may be so numerous or so extensive as to render necessary the appointment of special establishments in the office of the Collector or of the Commissioner, the Collector and the Commissioner may, with the sanction of the Board, appoint such establishments.

Cost of partition to be levied from proprietors in accordance with rules laid down by the Board.

39. As soon as possible after an estate has been declared to be under partition as provided in section thirty-one, the cost of making the partition shall be estimated, and the amount shall be levied from the proprietors in such instalments and at such times during the progress of the partition as may be fixed in accordance with any rules which the Board may make in that behalf.

If the amount first estimated is found insufficient, supplementary estimates may be made from time to time, and the required amount may be levied as above provided.

Apportionment of costs.

40. The cost shall be apportioned on the proprietors of each share in proportion to their shares; but whenever it shall appear to the Commissioner that the partition proceedings have been unnecessarily

delayed, and the cost of the partition enhanced by obstacles vexatiously put in the way of their completion by one or more of the proprietors, or by want of due diligence on the part of one or more of the proprietors in carrying out any requisitions made upon him or them, the Commissioner may direct that such portion of the cost as he may think proper in excess of the amount proportionate to his or their share shall be levied from such proprietor or proprietors.

Deputy Collector may declare cost of local enquiry.

41. Whenever any local enquiry may be held by the Deputy Collector or any other officer, in consequence of an objection raised by any person to any record of measurements, rent-rolls, or other information which has been laid before the Deputy Collector, the Deputy Collector may declare the cost which has been incurred by such enquiry, and may direct that the entire cost so declared shall be paid by the person making the objection, or by any one of the proprietors, or that such cost shall be paid in such proportions as he shall think fit, by the said person and the proprietors or any of them, or that such cost be deemed a part of the general cost of making a partition as prescribed in section thirty-nine.

After completion of partition Collector shall declare total cost thereof.

42. Upon the completion of the partition, the Collector shall make an order declaring the total cost thereof. The account shall then be adjusted, either by returning to the proprietors any sums which they may have paid in excess of the total cost, or by levying from them in the manner provided in section one hundred and thirty-eight, if necessary, any sums remaining due.

Salary of Deputy Collectors when to be deemed part of cost of partition.

43. Whenever it shall appear to the Lieutenant-Governor that in any district the work required to be done by Deputy Collectors in connection with partitions under this Act is so great that such work would, if concentrated in the hands of one or more Deputy Collectors, fully occupy the time of such one or more Deputy Collectors, the Lieutenant Governor may make an order directing that the salary of such one or more Deputy

Collectors, as the case may be, shall be recovered from the proprietors of estates under partition in such district as part of the cost of such partitions, and thereupon such charge as the Collector may think fit to make in respect of such salary shall, in addition to the items mentioned in the last preceding section, be deemed to be a portion of the costs of every partition

For the purposes of this section the salary of every Deputy Collector shall be deemed to be the amount of salary which is drawn by a Deputy Collector of the lowest grade.

What are costs leviable from proprietors

44. For the purposes of sections thirty-nine, forty, and forty-two, the costs of any partition shall be deemed to be

(*a*) the cost of any establishments entertained for the partition under section thirty-seven, or such amount as the Collector may think proper in respect of the services of any such establishments which are entertained for the purposes of making partitions in the district;

(*b*) all contingent expenses incurred in and about the partition, and

(*c*) such portion of the cost of any establishment entertained under section thirty-eight as the Collector may order.

Lieutenant Governor may direct "Estates' Partition Fund" to be formed.

45. Notwithstanding anything contained in the eight last preceding sections, the Lieutenant-Governor may direct that in any district a fund to be called the "Estates' Partition Fund" shall be formed, into which all sums levied from the proprietors of estates in respect of partitions of their estates shall be paid.

Whenever such a fund shall have been established in any district, all expenses of making partitions of estates in such district shall, except as hereinafter otherwise provided, be defrayed from such fund.

Procedure when Estates' Partition Fund formed in any district

46. Whenever the Lieutenant-Governor shall have ordered an "Estates' Partition Fund" to be formed in any district, the charges leviable from the proprietors of any estate under partition may be estimated and levied according to the estimate in each case as provided in sections thirty-nine and forty, subject to final

adjustment, as provided in section forty-two; or they may be levied according to a general scale of fees to be fixed by the Board.

Scale of fees.

47. Such scale of fees shall be fixed as nearly as may be, so that the receipts and expenditure of the said fund shall balance one another, and shall be revised from time to time by the Board for that purpose.

Such fees shall be levied from the proprietors in such instalments and at such times during the progress of the partition as may be fixed in accordance with any rules which the Board may make in that behalf, and the provisions of section forty shall be applicable to such fees.

Abstract of Estates' Partition Fund to be published.

48. An abstract of the Estates' Partition Fund of each district made up to the end of each year shall be published in the *Calcutta Gazette*, and by being posted up at the office of the Collector of the district.

What costs of partition chargeable to Estates' Partition Fund.

49. For the purposes of sections forty-five, forty-six, and forty-seven, the expenses of making partitions in any district shall be deemed to be

(*a*) the cost of all establishments entertained in the district under section thirty-seven;

(*b*) all contingent expenses incurred in all partitions in the district;

(*c*) the cost of any special establishment appointed in the office of the Collector under section thirty-eight;

(*d*) such portion as the Commissioner may direct of the cost of any special establishment appointed in his office under section thirty-eight;

(*e*) the salary of any one or more Deputy Collectors which the Lieutenant-Governor may have ordered under section forty-three to be recovered from the proprietors of estates under partition.

Civil Court may in certain cases order parties to pay expenses incurred in dividing an estate.

50. Whenever any Civil Court shall make a decree awarding or declaring any proprietary right in an estate, and shall require the Collector to make a partition of the estate, such Court may at the same time direct,

that the party or parties who may have withheld the right so decreed shall defray the whole of the expense which may be incurred in and about the partition, or the whole of the fees payable in respect of the partition under section forty-six,

or that the said expenses or fees shall be defrayed by all or any of the parties to the suit in which the decree was made in such proportions as the Court may, from a consideration of the particular circumstances of the case, deem equitable;

Copies of all orders which the Court may pass under this section shall be transmitted to the Collector for his guidance, together with the precept which the Court may issue to him requiring him to divide the estate; and the Collector shall levy the said expenses and fees from the parties in the proportion ordered by such Court in the same manner and by the same means as if the levy of such expenses and fees had been ordered by the Collector.

PART V.

Of the Partition Procedings up to the adoption of a Rent-roll and Measurement Papers.

As soon as estate declared to be under partition, Deputy Collector shall cause notification to be published.

51. As soon as the Collector shall have made an order under section thirty-one declaring an estate to be under partition, the Deputy Collector shall cause a notification to be published in the manner prescribed by section one hundred and thirty-four, and shall also cause copies thereof to be posted up at the Court of the Judge of the district in which any lands appertaining to the parent estate are known to be situated, and at the Court of every Munsif and of every sub-divisional officer within the jurisdiction of whom, and at every police station within the jurisdiction of which, any such lands are known to be situated, intimating his intention to proceed with the partition, and requiring all the proprietors of the estate to produce before a certain date, being not less than forty days from the date of such notification, either jointly or separately, copies of their rent-rolls and statements of the rents collected during each of

the three years next preceding, and also copies of any measurement papers of the estate which may be in their possession.

A notice to the same effect shall also be served as provided in section one hundred and thirty-five on each proprietor of the parent estate.

The Deputy Collector may, on sufficient grounds for so doing being shown to his satisfaction, from time to time extend the period for producing any such return.

Rent-roll filed by a proprietor to be subscribed and verified.

52. Every rent-roll, statement of rents collected, and measurement paper furnished to the Collector under this Act shall be presented by the person who is required to produce the same or by a duly authorized agent of such person who has a personal knowledge of the facts stated therein, and shall be subscribed and verified at the foot by such person or such agent in the manner following, or to the like effect:—

"I, A.B., do declare that this rent-roll (*statement, or measurement paper*) is correct to the best of my knowledge and belief."

If the rent-roll, statement, or measurement paper shall contain any entry which the person making the verification shall know or believe to be false, or shall not believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence.

Procedure if person required cannot produce rent-roll or statement.

53. If any proprietor who is required to produce any rent-roll or statement by notice as aforesaid is unable to produce such rent-roll or statement, he shall state to the Deputy Collector the cause thereof and the name and address of the person who has in his possession the information necessary for the preparation of such rent-roll and statement, and the Deputy Collector may, if he shall think fit, require such person to produce such rent-roll and statement.

Deputy Collector may order measurement of land and may test rent-roll.

54. The Deputy Collector may, if necessary, make, or may cause to be made, a measurement of all or any of the lands comprised in the estate, and may prepare or cause to be prepared a rent-roll, and may test or cause to be tested on the spot any

rent-roll which has been produced as aforesaid, and may make or cause to be made any local enquiry which he may consider necessary.

Deputy Collector to summon proprietors by proclamation to attend proceedings.

55. Before proceeding or deputing the amin to the spot, the Deputy Collector shall publish a notification in the manner prescribed by section one hundred and thirty-four, requiring the several proprietors of the estate, their managers, and any other persons employed in the management of the land, or otherwise interested therein, to attend in person or by agent upon him, or upon the amin who is deputed to make the measurement or enquiry, for the purpose of pointing out boundaries and of affording such assistance and information as may be required for the purposes of this Act.

Deputy Collector and Amin may require attendance of proprietor or any other person.

56. The Deputy Collector, and any amin or other person who is specially authorized in that behalf by the Collector, may, by a notice served as provided in section one hundred and thirty-five, require any proprietor or other person whose attendance may be required to attend before the Deputy Collector or amin who is making such measurement or enquiry within a specified time at any place for any of the purposes aforesaid.

Deputy Collector to test amin's work

57. If any objection be made to a measurement, map, or rent-roll prepared by the amin, or if for any other reason it seems desirable, the Deputy Collector shall, as soon as possible after completion of the amin's work, himself test, or shall cause to be tested on the spot, such measurement, map, and rent-roll, and may accept, amend, or reject the same, or any of them. If the Deputy Collector shall deem it necessary, he may cause the work or any portion thereof to be done again.

Examination of the parties and their papers

58. The Deputy Collector may examine any person on solemn affirmation in regard to the papers produced before him, whether by the proprietors, by the amin, or otherwise, and shall allow the parties concerned to put any necessary questions to such person.

The Deputy Collector shall also allow any proprietor or other person interested to examine the papers so produced, and to take a copy of the same, and after such examination shall hear any objections which any of the persons interested may make in respect of such papers, and shall decide whether any, and (if any) which, of the papers as they stand, or with such modifications as he may think necessary, shall be accepted as correct for the purposes of the partition.

Power of Deputy Collector if proprietor fails to file rent-roll.

59. If any proprietor who has been required to produce a rent-roll or statement under section fifty-one, fails to produce the same after the imposition on him of a fine under section one hundred and thirty-seven for thirty days, or fails to state to the Deputy Collector the name and address of any person under section fifty-three, the Deputy Collector may declare that the said proprietor shall, for the purposes of the partition, be bound by such rent-roll as the Deputy Collector may adopt as the basis of the partition as hereinafter provided, and after such declaration any officer exercising authority under this Act may refuse to entertain any objection which such proprietor may make to such rent-roll.

Power of Deputy Collector, if person fails to produce rent-roll.

60. If any person who has been required to produce a rent-roll or statement under section fifty-three shall fail to produce the same after the imposition on him of a fine under section one hundred and thirty-seven for thirty days, the Deputy Collector may declare that the proprietor who may have stated the name of such person under section fifty-three shall, for the purposes of the partition, be bound by the rent-roll which the Deputy Collector may adopt for the basis of the partition as hereinafter provided, and after such declaration any officer exercising authority under this Act may refuse to entertain any objection which such proprietor may make to such rent-roll.

Collector may dispense with rent-roll, maps, and other papers.

61. Notwithstanding anything contained in this Act, if it shall appear to the Deputy Collector that any measurements, maps, rent-rolls, or other papers relating to the estate which have been prepared otherwise than for the purposes of the

partition, or otherwise than for the purposes of this Act, afford information sufficiently trustworthy to enable him to effect the partition, the Deputy Collector may adopt such information and such papers either wholly or in part for the purposes of the partition, and may dispense with any rent-rolls, maps, or other papers for which he is authorized to call, or which an applicant is required to produce under this Act.

Proprietor who has failed to attend shall not be entitled to object subsequently.

62. No proprietor or other person, who shall have failed to attend in person or by agent during the measurement as required by the notification published under section fifty-five, shall be entitled at any subsequent time to make any objection to such measurement; but the Collector may admit any objection made by such proprietor or person if he think fit, provided that any expense entailed by a local inquiry made in consequence of such subsequent objection shall be paid entirely by such proprietor or person.

Notification of date for deciding the mode of partition

63. When the Deputy Collector is finally satisfied that the papers before him, whether rent-rolls, measurement papers, maps, or other papers, are sufficient and sufficiently correct to be accepted or adopted for the purposes of the partition, he shall make an order to that effect, and shall fix a day on which to determine the general arrangement of the partition, and shall publish a notification in the manner prescribed by section one hundred and thirty-four, calling on all the proprietors to be present on the day so fixed, such day being not less than thirty or more than sixty days after the publication of the notification in his office, and shall serve a notice to the same effect on each proprietor or his agent.

PART VI.

Of Partition by Amicable Arrangement or by Arbitration.

Deputy Collector may allow parties to make a private partition

64. On the date fixed under the last preceding section, if a petition to that effect signed by all the recorded proprietors shall have been presented, the Deputy Collector

may allow such proprietors to make a private partition of the estate amongst themselves on the basis of the papers which have been accepted or adopted for the purposes of the partition by the Deputy Collector, or may refer the partition to be made by an arbitrator or arbitrators on such basis.

If the proprietors who have elected to make such private partition shall fail to make the same within such time as may be fixed by the Deputy Collector, the Deputy Collector may refer the partition to be made by an arbitrator or arbitrators, or may make the partition himself.

Procedure on reference to arbitration.

65. Whenever any partition shall have been referred to arbitration, the proceedings shall be conducted in accordance with the provisions of sections 313 to 325 (both inclusive) of Act VIII of 1859 (*an Act for simplifying the procedure of the Court of Civil Judicature not established by Royal Charter*) as far as those provisions are applicable, and except as herein otherwise expressly provided.

Arbitrators to deliver a partition paper.

66. The arbitrators shall deliver, within a time to be fixed by the Deputy Collector, which time may be further extended by him, a full and complete paper of partition, in such form as may be prescribed by the Board for partitions made by the Collector or Deputy Collector.

Remuneration of arbitrators.

67. The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount of which shall be fixed, with the approval of the Commissioner, by the officer making the reference to arbitration, and shall be considered to form part of the cost of making the partition.

Partition made under this Part to be subject to approval of Collector, and superior revenue authorities.

68. Every partition made under the provisions of this Part by the parties, or by arbitrators appointed by them, shall be subject to the approval of the Deputy Collector and to the confirmation of the Collector and the orders of the superior revenue authorities; provided that neither the Deputy Collector nor any other authority shall disallow any partition so made on any other ground than that of fraud, or that, in the

opinion of the Deputy Collector or such other authority, the partition cannot be confirmed without endangering the safety of the land revenue.

Land revenue to be assessed by Collector.

69. Whenever a partition has been made under the provisions of this Part, the land revenue shall be assessed by the Collector on each separate estate into which the parent estate is divided by such partition in the manner prescribed by section six.

In default of delivery of partition paper, Collector may withdraw case from arbitration

70 If the paper of partition be not delivered within the time fixed by the Deputy Collector, or within any further period to which the time may have been extended, the Deputy Collector may withdraw the case from arbitration and may make the partition himself.

PART VII

OF THE PROCEDURE FROM THE DETERMINATION OF THE GENERAL ARRANGEMENT OF THE PARTITION BY THE DEPUTY COLLECTOR TO THE APPROVAL OF THE PARTITION BY THE COLLECTOR.

Procedure when no petition presented under section 64

71. If no petition shall have been presented under section sixty-four, the Deputy Collector shall, on the date fixed under section sixty-three, or on any other date to which the hearing may have been postponed by a notice posted at the office of the Deputy Collector, consult orally each proprietor present, and endeavour, as far as possible, with the concurrence of the proprietors present, to settle a general arrangement of the partition in accordance with the requirements of this Act.

For this purpose he shall endeavour to obtain from each proprietor an acknowledgment of his acceptance of the rent-roll, map, and any other papers which have been adopted by the Deputy Collector for the purposes of the partition, and shall briefly record the objections of any proprietor who still objects to accept such rent-roll, map, or other papers.

Deputy Collector may postpone settlement of general arrangement of partition.

72. If, in consequence of any objections made before the Deputy Collector has settled the general arrangement of the partition as provided in the last preceding section, the Deputy Collector considers it necessary to make further inquiry, he may, by notice to the recorded proprietors, postpone the settlement of the general arrangement of the partition to a date being not less than fifteen days from the service of the notice on any proprietor.

Deputy Collector may award compensation for attendance to proprietor.

73. If the objections on account of which the said settlement is postponed are such that the person making the same might have made them on an earlier day, the Deputy Collector may award to each proprietor, who shall have attended in person or by agent in accordance with the notice, such sum, not exceeding sixteen rupees, as he shall think fit by way of compensation for such attendance.

The sum so awarded shall be paid by the person making the objections as aforesaid, and may be recovered from him in the manner provided by section one hundred and thirty-eight.

If no postponement made, Deputy Collector to determine the general arrangement of the partition.

74. If the objections have already been enquired into and disposed of, or are such as not to render necessary any further inquiry and postponement, or when any objections which may require further enquiry have been disposed of, the Deputy Collector shall record an order to that effect, and, after hearing what each proprietor present may urge, shall hold a proceeding determining the general arrangement of the partition and the mode in which the parent estate shall be divided, and, in a general way, the position of the lands which shall be assigned to each of the separate estates.

In determining the general arrangement of the partition, the Deputy Collector shall be guided by the rules which are laid down in Part VIII, and shall direct the partition to be made in the manner which, in his opinion, is on the whole most in accordance with such rules, and most equitable and most convenient to all parties concerned.

75. The general arrangement of the partition, as determined under the last preceding section, shall be submitted for the sanction of the Collector, who shall by notice fix a date for the consideration of the same, not being less than fifteen days after the publication of the said notice in his office, and after hearing and disposing of any objection which may be preferred, shall pass such orders as he may think proper, setting aside, amending, or approving the general arrangement made by the Deputy Collector.

General arrangement of partition to be submitted for sanction of Collector.

76. When the general arrangement has been approved by the Collector, the Deputy Collector shall proceed to fix the exact boundaries of each separate estate, after considering the wishes which the parties may express in respect thereof.

Deputy Collector to fix boundaries

77. When the Deputy Collector shall have so determined the boundaries, he shall cause to be drawn up a paper of partition specifying in detail the villages and lands which he has included in each of the separate estates, the rental thereof, with any other assets of each separate estate, the name or names of the recorded proprietor or proprietors of each separate estate, any stipulations which may have been made regarding places of worship, tanks, or other matters as mentioned in Part VIII, and the amount of land revenue to be assessed on each separate estate; he shall also prepare a map showing the lands which fall within each separate estate and the boundaries thereof, unless the preparation of such map shall be dispensed with by special permission of the Collector.

Deputy Collector to draw up paper of partition and map.

78. The Deputy Collector shall submit the partition paper and map as aforesaid and all other papers of the partition to the Collector with a full report of the proceedings taken, the reasons which influenced the Deputy Collector in selecting the lands included in each separate estate, the nature of the accounts upon which the apportionment of the land revenue assessed thereon has been based, and all other particulars material to the case.

Deputy Collector to submit papers to Collector.

79. The Deputy Collector shall at the same time cause to be prepared a separate extract of the portion of the partition paper which relates to each separate estate,

Deputy Collector to prepare extracts of partition papers for each proprietor.

and shall cause to be tendered to any recorded proprietor of a separate estate, or any authorized agent of such proprietor, who may be in attendance at the Deputy Collector's office, the extract which relates to such separate estate;

and the Deputy Collector shall publish a notice at his office calling upon every proprietor to whom or to whose agent an extract from the partition paper has not been tendered as above mentioned, to take out of the Deputy Collector's office the extract of the portion of the partition paper relating to his separate estate.

If the circumstances of the partition so require, an extract of the map prepared by the Deputy Collector, or a copy of such map, shall be annexed to every separate extract from the partition paper herein mentioned.

80. On receipt of the papers and report mentioned in section seventy-eight, the Collector shall cause a notification to be published in the manner prescribed by section one hundred and thirty-four fixing a date, not being less than six weeks from the date of the publication of such notification on the parent estate, on which he will proceed to take up the case, and to consider any representations and objections which may be preferred in respect of the partition made by the Deputy Collector, and calling on all parties concerned who may wish to do so, to inspect the papers at his office before such date, and to take copies of any such papers as they may require.

On receipt of papers and report Collector to publish notification.

The Collector shall also cause a notice to the same effect to be served on each of the recorded proprietors.

81. On the date so fixed, or on any other date to which the hearing may have been postponed, the Collector shall take into consideration the papers as laid before him, and after calling for any further

Procedure of Collector thereupon.

information which he may deem necessary, and disposing of any objections which shall be made to the proposed partition and allotment of land revenue, may approve the partition as made by the Deputy Collector with such amendments as he may think proper, or return it for amendment to the Deputy Collector who made it, or to another Deputy Collector, or make a fresh partition himself.

The Collector may return the said papers for amendment or enquiry as often as he may think fit.

Proprietor when not entitled to make subsequent objection.

82. No proprietor who shall have failed to appear before the Deputy Collector in person or by agent on any date fixed for the arrangement of the partition under section sixty-three or section seventy-two, and no proprietor who shall have failed so to appear before the Collector on any date fixed under either of the two last preceding sections, shall be entitled, at any subsequent time, to make any objection to the orders which may be passed on such dates respectively.

Collector may cause a fresh partition paper and map to be prepared.

83. When the Collector approves the partition made by the Deputy Collector with amendments, he may cause a fresh partition paper and map to be prepared, or may cause the amendments made by him to be noted on the paper and map submitted by the Deputy Collector.

When the Collector makes a fresh partition himself, he shall cause a fresh partition paper and map to be prepared.

Procedure when Collector approves of a partition without amendment

84. Whenever the Collector shall have approved a partition (whether with or without amendments), he shall cause a notice to be served on each of the recorded proprietors that the papers will be submitted at once for confirmation of the partition by the Commissioner, and that any appeals or objections must be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the date of the service of the said notice, or, if the Collector has approved the partition with amendments, and the notice requires the proprietor to produce the

extract of any partition in order that amendments may be noted thereon, or to take out a fresh extract from the partition paper, as provided in the next succeeding section, then within six weeks of such date.

Procedure when Collector approves partition paper with amendments.

85. Whenever the Collector shall have approved a partition with amendments, and shall, under section eighty-three, have caused such amendments to be noted on the partition paper and map submitted by the Deputy Collector, the notice to be served on each of the recorded proprietors under the last preceding section shall, in the case of every such proprietor whose separate estate is affected by such amendment, in addition to the particulars mentioned in the said section, require such proprietor to produce before the Collector, within fifteen days of the service of such notice, the extract from the paper of partition which has been prepared, and any map relating to his separate estate which may have been prepared, under section seventy-nine, in order that the amendments made by the Collector in the partition may be noted thereon; and such amendments shall be noted thereon by the Collector accordingly, and such extract and map shall be returned to the proprietor who produced them.

Whenever the Collector shall have caused, under section eighty-three, a new partition paper and map to be prepared, he shall order separate extracts from the portions of the partition paper which relate to each separate estate, and maps, if necessary, to be prepared as required by section seventy-nine, and in such case the notice served under the last preceding section shall, in addition to the particulars mentioned in that section, declare the extracts and maps which were furnished or offered to proprietors under section seventy-nine to be cancelled, and shall require the recorded proprietors to take out of the Collector's office such extracts and maps relating to their respective separate estates.

Papers to be forwarded to Commissioner.

86. As soon as practicable after the issue of the notice under section eighty-four, the Collector shall forward to the Commissioner all papers relating to the partition as approved or as made by the Collector.

PART VIII.

OF THE GENERAL PRINCIPLES ON WHICH PARTITIONS SHALL BE MADE.

Rules applicable to the partition of lands which are held by the proprietors in common tenancy.

Estates formed in course of partition to be as compact as possible.

87. Each separate estate shall be made as compact as is compatible with the primary object of making an equitable partition among the proprietors, and with the other provisions of this Part, but no partition made or approved by a Collector shall be set aside on the ground only that the separate estates are not compact.

Circumstances to be considered in making partitions

88. In selecting the villages or lands to be assigned to each separate estate formed out of a parent estate which has been held in common tenancy, the Collector shall take into consideration

the advantages or disadvantages arising from situation;
the vicinity of roads, railways, navigable rivers, or canals;
the nature and quality of the soil and produce;
the quantity of cultivable and uncultivable waste land;
the facilities for irrigation;
the state of the embankments and water-courses;
liability to accretion and diluvion,
and any other circumstances affecting the value of the lands.

Rule when dwelling-house belonging to one proprietor is situated on ground to be allotted to another proprietor.

89. If a dwelling-house belonging to one proprietor is situated on any land which it may be necessary to include in the separate estate of another proprietor, the owner of such house may retain occupation thereof with the offices, buildings, and grounds immediately attached thereto, upon agreeing to pay rent for the land occupied by such dwelling-house, offices, buildings, and grounds to the proprietor of the separate estate in which such land is included.

The limits of the land so occupied and the rent to be paid for it in perpetuity shall be fixed by the Deputy Collector, and shall be stated in the paper of partition.

In every such case a defined pathway shall, as far as possible, be secured to the owner of the house, leading from his house to some portion of the separate estate allotted to him.

Rule contained in last preceding section may be applied to gardens, orchards, &c.

90. Whenever the Deputy Collector shall think fit, he may apply the rule contained in the last preceding section to gardens, to orchards of trees to land planted with bamboos, and to any other lands which in his opinion are of special value to the proprietor in whose occupation they are found to be, in consequence of improvements made by such proprietor or of the particular use to which such lands are put.

Calculation of rental.

91. The rent fixed in perpetuity on any land by the Deputy Collector under either of the two last preceding sections shall be considered to be the rental of such land for the purposes of the partition.

Rent may be redeemed.

92. Whenever the dwelling-house of one proprietor, with the offices, buildings, and grounds immediately attached thereto, shall have been included in the separate estate of another proprietor, and the annual rent to be paid in perpetuity in respect of the land occupied thereby shall have been fixed by the Deputy Collector and stated in the paper of partition, the proprietor whose dwelling-house, offices, buildings, and grounds have been included as aforesaid may apply to the Deputy Collector for permission to redeem the annual rent so fixed, and the Deputy Collector shall give such permission, unless he shall be of opinion that such redemption would endanger the safety of the land revenue for the payment of which the separate estate in which such dwelling-house, offices, buildings, and grounds have been included will be liable.

Deputy Collector to certify amount payable in redemption of rent.

93. If the Deputy Collector shall see no such reason to refuse his permission to the redemption being made, he shall certify the amount payable by such proprietor in redemption of such annual rent; and such amount shall be calculated and fixed by

the Deputy Collector at ten per centum above the sum which would be required to purchase, at the market prices then prevailing, so much stock of the Government loan which was last issued as would yield an annual amount of interest equal to the annual land rent fixed by the Deputy Collector under section eighty-nine.

But not after possession of separate estates has been given.

94. The proprietor desiring to redeem the rent as aforesaid, may pay to the Deputy Collector the amount so certified at any time before possession is given to the several proprietors of the separate estates allotted to each, as provided in section one hundred and twenty-three, but not after such possession has been given.

Notice of payment to be given, and land to be held rent-free.

95. On receipt of such payment, the Deputy Collector shall give notice to the proprietor in whose separate estate such land is situated that such payment has been made, and that the sum will be paid to him or to his authorized agent on application; and that from the date on which possession as aforesaid may be given, the proprietor who has redeemed the rent of such land will be entitled to hold such land as a rent-free tenure secured against the proprietor of the estate and against any auction purchaser at a sale for arrears of revenue, including the Government; and from such date the lands shall be so held as a rent-free tenure.

Collector to register rent-free tenure.

96. The Deputy Collector shall at the same time also give notice to the Collector of the district of the creation of such tenure; and the Collector of the district shall thereupon cause such tenure to be specially registered in the manner provided by section 42 of Act XI of 1859, or by any similar law for the time being in force.

Lots may be drawn for equal shares.

97. When two or more of the separate estates shall consist of the same proportions of the parent estate, the Deputy Collector may, if he thinks proper, direct the parties entitled thereto respectively to draw lots in his presence for the equal separate estates which have been formed by assignment of lands, unless the recorded proprietors of the equal shares shall agree among themselves as to the allotment

of the equal separate estates and shall present a petition to that effect; or unless for any other reason the Deputy Collector shall, with the sanction of the Collector, think proper to assign the equal separate estates to the proprietors of the equal shares without causing lots to be drawn.

Order and method of drawing lots when aggregate of two or more shares equals one other share.

98. When the aggregate of two or more shares equals one other share, or equals the aggregate of two or more other shares, the Deputy Collector, with the sanction of the Collector, may cause such aggregate shares to be treated as one share for the purpose of determining by lots as aforesaid which portion of the parent estate shall be assigned to each proprietor as his separate estate;

and may decide which shares shall be formed into one aggregate share for the purpose of causing such lots to be drawn;

and may cause lost to be drawn in like manner as often as he shall think proper for such purpose.

And after lots shall have been drawn once (or more than once if necessary) as aforesaid, the Deputy Collector shall proceed to divide the portion of the parent estate which has fallen by lot to each aggregate share, among the proprietors of the different shares which were formed into such aggregate share for the purpose of drawing lots, and shall assign to every such proprietor his separate estate within such portion in such position as the Deputy Collector may think proper.

Provided that lots shall in no case be drawn until after full opportunity shall have been given to the proprietors to advance their objections in respect of the papers accepted as the basis of the partition and in respect of the assets of the different lands as stated in such papers, and until any such objections which may have been made shall have been disposed of.

Illustrations.

I.—The partition of a parent estate is being made into the following shares:—

8 annas.
4 annas.
3 annas.
1 anna.

For the purposes of drawing lots, the 4 annas, 3 annas, and 1 anna share may be taken together, and considered to be an aggregate 8 annas share.

The Deputy Collector will divide the parent estate into two halves of equal value, and will then cause lots to be drawn, in order to determine which of the two halves shall be assigned to the proprietor of the integral 8 annas share, and which shall be divided among the proprietors of the 4 annas, 3 annas, and 1 anna shares.

Subsequently, if necessary, the Deputy Collector may again cause lots to be drawn by the proprietor of the 4 annas share on the one hand, and the proprietors of the aggregate share made up by taking together the 3 annas share and the 1 anna share.

II.—The partition is being made of a parent estate into the following shares :—

6 annas.

4 annas.

3 annas.

2 annas.

1 anna.

Two tracts in the estate may first be marked off, the value of each being equivalent to a 6 annas share, and then, for the purpose of drawing lots in respect of the assignment of these two tracts, the 4 annas share and the 2 annas share may be taken together as an aggregate 6 annas share, and lots may be drawn between the proprietor of the aggregate 6 annas share so formed on the one hand, and the proprietor of the integral 6 annas share on the other.

One of the two 6 annas tracts having thus been finally assigned to the proprietor of the integral 6 annas share, the Deputy Collector will proceed to assign the rest of the estate among the remaining sharers, and he may again, for the purpose of causing lots to be drawn, mark off two tracts, the value of each of which shall be equivalent to 5 annas of the parent estate, and may cause lots to be drawn for these two tracts between the proprietors of the 4 annas share and the 1 anna share taken together as an aggregate 5 annas share on the one hand, and the proprietors of the 3 annas share and the 2 annas share taken together as another 5 annas share on the other.

Finally, their separate estates will be assigned to the proprietor of the 4 annas share and of the 1 anna share respectively, within the tract which fell to them jointly by lot; and their separate estates will be assigned to the proprietors of the 3 annas share and of the 2 annas share respectively within the tract which fell to them jointly by lot.

Deputy Collector may require proprietors to attend or appoint agent for the purpose of drawing lots.

99. The Deputy Collector may, by a notice served as provided in section one hundred and thirty-five, require any proprietor in respect of whose share lots are to be drawn as provided in either of the two last preceding sections, to attend at the office of the Deputy Collector in person or by authorized agent at a time to be fixed by the Deputy Collector for the purpose of drawing lots;

and may similarly require the proprietors of any shares which he may have ordered to be formed into an aggregate share for the Purpose of drawing lots, jointly to appoint an agent to draw lots on their joint behalf; and if at the time fixed for drawing such lots such proprietors have failed to agree to any such joint appointment, or shall fail to cause the attendance of an agent authorized to act jointly for all such proprietors, all such proprietors, shall be deemed to have failed to comply with the Deputy Collector's requisition.

In default Deputy Collector may appoint a person to draw lots.

100. Whenever any proprietor or proprietors shall have failed to comply with a requisition of the Deputy Collector under the last preceding section, the Deputy Collector may appoint a person to draw lots on behalf of such proprietor or proprietors.

Rules applicable to the formation into separate estates of lands which are held by proprietors in severalty.

Joint petition may be presented for partition according to private division.

101. Whenever in any parent estate a division of the lands thereof has been made by private arrangement of the proprietors of such estate, and in accordance with such arrangement each proprietor is in possession of separate lands held in severalty as representing his interest in such parent estate, the joint application presented to the Collector by all the recorded proprietors of such estate as required by section twelve may be to the effect that a partition of such estate be made by assigning to each proprietor or to two or more proprietors jointly as his or their separate estate, the lands of which they are in separate possession in accordance with such arrangement, and also that each separate estate so formed be made liable for such portion of

ths entire land revenue of the parent estate as was paid by the proprietor or proprietors thereof under the private arrangement aforesaid.

Partition according to private division to be referred to Collector.

102. The Deputy Collector who is appointed to carry out the partition in accordance with such application shall satisfy himself that the assets of each separate estate which it is proposed to form are sufficient to secure the payment of the annual amount of land revenue for which it is proposed to make such separate estate liable; and if the Deputy Collector be satisfied that in this respect, and with reference to all the circumstances of the case, the partition of the lands and the assessment of the revenue thereon may be made in the manner proposed without endangering the safety of the revenue, the Deputy Collector shall submit the case with his opinion thereon, and the reasons on which such opinion is founded, to the Collector, who may admit or reject the said application

Effect of Collector's approval

103 If the Collector admits the said application, such admission shall be deemed to be the Collector's approval of the general arrangement of the partition as provided in section seventy-five, and the Deputy Collector shall proceed to complete the partition accordingly.

Such partition may be refused

104. If the Deputy Collector, who is appointed to carry out the partition in accordance with a joint application under section one hundred and one, is not satisfied that the partition of the lands and the assessment of the revenue payable thereon can be made in the manner proposed without endangering the safety of the public revenue, or if the Collector rejects the application for such partition, the Deputy Collector shall refuse to make the same

Joint petition may be presented for partition of land in accordance with private division with proportional redistribution of public revenue

105. Whenever the proprietors of an estate are, in accordance with a private arrangement as aforesaid, respectively in possession of separate lands held in severalty as representing their respective interests in the estate, the joint application presented to the Collector by all the recorded proprietors of the estate, as required by section

twelve, may be to the effect that a partition of such estate be made by assigning to each proprietor, or to two or more proprietors jointly, as his or their separate estate, the lands of which they are in possession in accordance with such arrangement, and that the land revenue for which the parent estate is liable may be apportioned among the separate estates so formed in accordance with the provisions of section six.

A joint application under this section may be made notwithstanding that a joint application under section one hundred and one has been refused in respect of the same estate.

Lands of which each proprietor is in possession to be allotted to him.

106. Whenever the Deputy Collector who is appointed to carry out a partition shall find that in accordance with a private arrangement made by the proprietors of an estate, the proprietors respectively, or any of the proprietors, are in possession of separate lands held in severalty as representing portions only of their respective interests in the parent estate, while other lands of the parent estate are held in common tenancy between such proprietors, a joint application as mentioned in section twelve shall not be necessary to authorize the Collector to make a partition of the estate, but the Deputy Collector shall allot to the separate estate of each proprietor the lands of which such proprietor is found to be in possession in severalty in accordance with such private arrangement.

Lands held in the occupation of the several proprietors of an estate as sir, khamar, or nij-jote, or under any other similar denomination, shall not be deemed to be lands held in severalty as representing portions of their respective interests in the parent estate within the meaning of this section, which applies only to cases in which there has been a *bonâ fide* division, by private arrangement among the proprietors, of lands held by tenants.

Collector may cause transfer of lands agreed to by parties.

107. Notwithstanding anything contained in the last preceding section, the Collector may cause any transfer of lands agreed to by the parties to be made from the possession of one proprietor to that of another.

Rules applicable both to lands held in common tenancy and to lands held in severalty.

Rule as to places of worship.

108. Places of worship, burning grounds, and burial grounds which have been held in common previous to the partition of an estate, and lands of which the proceeds have been assigned by the proprietors jointly for religious, charitable, or public purposes, shall continue to be held in common, unless the proprietors shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Deputy Collector shall enter a note of the agreement in the paper of partition.

Rule as to tanks, wells, water-courses, and embankments.

109. Tanks, wells, water-courses, and embankments shall be considered as attached to the land for the benefit of which they were originally made.

In cases in which, from the extent, situation, or construction of such works it shall be found necessary that they should remain the joint property of the proprietors of two or more of the separate estates, the paper of partition shall specify, as far as the circumstances may admit, the extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively.

Lands held rent-free not to be divided.

110. Whenever the Deputy Collector shall find in the parent estate lands which are actually held rent-free (whether the proprietors of the estate do or do not claim a right to receive rent from such lands), the Deputy Collector shall make no division or assignment of such lands among the separate estates, but shall specify in the partition papers and proceedings that such lands are left appertaining jointly to all the separate estates which are formed out of the parent estate, in the proportion which each separate estate bears to the parent estate.

Provided that such lands or any of them may be allotted among the different separate estates with the consent of all the recorded proprietors of the parent estate, but not otherwise.

111. Whenever the Deputy Collector shall find in the parent estate any lands which are held at a fixed rent on a patni or other permanent intermediate tenure falling within Exception 2 or Exception 3 of section seven, the Deputy Collector may either

Rule as to permanent intermediate tenures.

(1) assign the lands which are held on such tenure and the assets thereof entirely to one or more of the separate estates, the rental being calculated as provided in Exception 2 or in Exception 3 (as the case may be) of section seven; or

(2) leave such lands unassigned to any separate estate, and specify in the partition paper and proceedings that the lands are left appertaining jointly to all the separate estates which are formed out of the parent estate in the proportion which each separate estate bears to the parent estate. In the event of such lands being so left undivided, the Deputy Collector shall assign to each separate estate such share of the rental of the tenure as shall bear the same proportion to the entire rental of the tenure, as the separate estate bears to the parent estate.

In dealing with a tenure under this section, the Deputy Collector shall take into consideration the extent of the lands comprised in the tenure, and all other circumstances of the case.

112. Whenever any lands are held in common between the proprietors of two or more estates, one of which is under partition in accordance with the provisions of this Act, the Deputy Collector shall first allot to the estate under partition a portion of such common lands of which the assets are in proportion to the interest which the proprietors of such estate hold in the said common lands; and all the provisions of this Act in respect of the allotment between the shareholders in one estate, of lands which are held jointly by such shareholders, shall, as far as possible, apply to the allotment of the proportionate share of such common lands to the estate under partition;

Lands held in common between the proprietors of two or more estates how to be dealt with.

and, in respect of the service of notices, hearing of objections, and all other procedure in view to such allotment, the proprietors of the estate under partition, and the proprietors of all other estates who have an interest in the said common lands, shall be

deemed to be joint proprietors of a parent estate consisting only of the lands so held in common.

Provided that all expenses of any division of lands so held in common between the proprietors of two or more estates shall be deemed to be expenses of making the partition of the estate which is under partition, and shall be leviable as provided by this Act from the proprietors of such estate, and the proprietors of any other estate having an interest in such lands shall not be required to bear any portion of such expenses.

Proprietors of other estates may be required to pay a portion of expenses of partition.

113 Notwithstanding anything contained in the last preceding section, if it shall appear to the Commissioner, on the report of the Collector or otherwise, that the proceedings for such division have been unnecessarily delayed, and the cost of such division enhanced by obstacles vexatiously put in the way of the completion of such division by any proprietor of any estate other than that under partition, or by want of due diligence on the part of any such proprietor in carrying out any requisitions made upon him, the Commissioner may direct that such sum as he shall think fit shall be levied from every such proprietor who is responsible for such delay or additional cost, and every sum so levied shall be taken in diminution of the amount payable by the proprietors of the estate under partition as costs of such partition.

Allotment of lands held in common to be sanctioned by Collector.

114. The allotment to the estate under partition of the proportionate share of the lands so held in common shall be submitted for the approval of the Collector, who may confirm, amend, or reject the same, and in the case of rejection, may make or direct to be made another allotment.

The portion of such common lands assigned to estate under partition how to be dealt with.

115. As soon as the allotment to the estate under partition of a proportionate share of the said lands shall have been approved by the Collector, the lands so allotted shall be dealt with in every respect as if they were held in common tenancy by such of the proprietors of the estate under partition as were found to hold interests in the common lands.

116. If a dispute or doubt shall be found to exist as to whether any lands form part of the parent estate, the Deputy Collector shall enquire into the fact of possession, and shall report his conclusions, with the reasons thereof, to the Collector; whereupon

Procedure when dispute exists as to whether any lands form part of the parent estate.

the Collector may (whether the possession of disputed lands is with the proprietors of the parent estate or otherwise) order that the partition be struck off the file, and in that case no application for a partition of the said estate shall be admitted until the applicant can show that the dispute or doubt has been decided by a court of competent jurisdiction, or has been amicably settled;

or if the Collector shall find that possession of the disputed lands is with the proprietors of the parent estate, and if it shall appear to him that the claim of the other parties to the right in such lands is untenable, he may order that the partition shall proceed, and that the disputed lands be treated as part of the estate under partition.

Procedure when Collector thinks that lands belong to parent estate.

Provided that no partition shall be made under this section, if such partition would involve the assignment to any separate estate of such a quantity of the disputed land that the removal of such land from such estate would, in the opinion of the Collector, endanger the safety of the land revenue for which such estate would be liable after the partition.

117. If after a partition has been completed in accordance with an order passed by the Collector under clause three of the last preceding section, the proprietor of any separate estate shall be dispossessed by a decree of a court of competent jurisdiction of any lands which may have been assigned to his estate by the partition, such proprietor shall not be entitled to claim any modification of the partition (which shall hold good), but shall be entitled to recover from the proprietors of the other separate estates formed by the partition such compensation as may be fair and equitable, having regard to the reduction in

Procedure when partition completed and proprietor of an estate dispossessed by order of a competent court.

the proportionate value of his separate estate which is caused by such dispossession;

and such compensation may be recovered in a court of competent jurisdiction from the proprietors of those separate estates on which a proportionate share of the total loss caused by the order of dispossession does not fall.

PART IX.

OF THE PROCEDURE BEFORE THE COMMISSIONER UP TO THE COMPLETION OF THE PARTITION.

If no appeal presented, Commissioner may consider the case without issue of notice.

118. If no appeal or objection shall be presented within the time allowed by section eighty-four, the Commissioner may proceed to consider the case without issue of any notice, and may confirm the partition made by the Collector.

Commissioner to fix a day for hearing case.

119. If it shall appear to the Commissioner that the proceedings of the Collector should be amended, or if a petition of appeal or an objection shall have been presented within the time allowed by section eighty-four, the Commissioner shall fix a day for hearing and disposing of the case, and shall cause a notification of the same to be published and a notice of the same to be posted up in his own office.

Commissioner to confirm, amend, or return petition.

120. On the day so fixed, which shall not be less than thirty days after the publication of the said notification at the office of the Collector, or on any subsequent day to which the hearing of the case may extend, or on any subsequent day to which the hearing may have been postponed by a notice published in his own office, the Commissioner shall, after hearing and disposing of all objections, and calling for any further information which may be necessary, either confirm the partition as made by the Collector or amend the same, or return the papers of the partition to the Collector for any changes the Commissioner may think proper to be made.

If the partition is returned to the Collector for amendment, the Collector shall proceed to make the said amendments or to cause them to be made in the same manner as if he had himself passed such orders on a partition submitted to him for approval by a Deputy Collector.

Commissioner may return papers for amendment or inquiry.

121. The Commissioner may, before confirming a partition, return the papers for amendment or inquiry as often as he shall think fit, and as often as he shall so return them the procedure prescribed in the three last preceding sections shall be followed.

Procedure by Collector on receipt of order of Commissioner or of Board of Revenue on appeal

122. After the expiration of not less than sixty days from the date of the order of the Commissioner confirming a partition, or, if an appeal has been preferred to the Board, or if any proceedings in respect of the partition be pending before the Board, then on receipt of the final order of the Board determining that the partition as sanctioned by the Commissioner shall not be disturbed, the Collector shall cause to be published in his office, and in some conspicuous place in each of the estates separately constituted by such order, a notice that the partition has been finally confirmed as it was sanctioned by the Commissioner, or with any amendments or alterations, as the case may be.

If the partition as finally sanctioned involves any amendments which may conveniently be made on the extracts of the partition paper and on any maps which have been prepared and delivered or offered by notice to the recorded proprietors as required by section seventy-nine or section eighty-five, the Collector shall cause a notice to be served on every recorded proprietor whose estate is affected by such amendments requiring him to produce such extracts and maps in order that such amendments may be noted on them;

and if the alterations made in the partition as finally sanctioned be such as to make it desirable to prepare fresh extracts and maps as aforesaid, the Collector shall cause such fresh extracts and maps to be prepared; and shall cause a notice to be served on each proprietor declaring the extract and map which was furnished or

offered to him under section seventy-nine or section eighty-five, as the case may be, to be cancelled, and requiring him to take out of the Collector's office the fresh extract and map which have been prepared.

Procedure as to giving possession of separate estates.

123. The Collector shall then proceed to give the several proprietors possession of the separate estates allotted to each, and, if necessary, may require the assistance of the Magistrate in giving such possession;

and shall cause to be served on every recorded proprietor of a separate estate a notice informing him that from the date specified in such notice the separate estate assigned to him (as described in the extract from the partition paper prepared and delivered or offered to him under section seventy-nine, section eighty-five, or the last preceding section, as the case may be) will be deemed to be separated from the parent estate, and to be separately liable for the amount of land revenue specified in such notice, and calling upon him to enter into a separate engagement for the payment of such revenue.

Date specified in notice under preceding section.

124. The date specified in such notice shall not be more than three months after the proprietors have been put in possession of their respective separate estates as herein provided.

Each separate estate to be borne on the revenue roll as separately liable for revenue assessed upon it.

125. From the date specified in such notice, each separate estate shall be borne on the revenue roll and General Register of the Collector as a distinct estate separately liable for the amount of land revenue assessed upon it under this Act; and shall be so liable, whether the proprietor have executed an agreement for the payment of the amount of land revenue so assessed upon the said estate, or whether he shall have failed to execute such agreement.

Collector may direct the construction of boundary marks.

126. The Collector may direct the construction of such boundary marks as he may think proper to distinguish the lands of each separate estate and the cost of such boundary marks shall be deemed to be expenses of the partition.

Boundary marks erected under this Act shall be assigned to zemindars, or to zemindars jointly with tenure-holders, for preservation, as provided in the second clause of section 29 of "The Bengal Survey Act, 1875," and after they have been so assigned, the provisions of sections 19, 20, and 52 to 57 (both inclusive) of the said Act shall apply to such boundary marks.

PART X.

MISCELLANEOUS.

Any point may be referred to arbitration.

127. The Deputy Collector, with the consent of all the parties concerned, may refer to arbitration any point arising in the course of a partition; and the provisions of sections sixty-five and sixty-seven shall, as far as possible, be applicable to such references.

Case of proprietor who has created a tenure.

128. If any proprietor of an estate held in common tenancy and brought under partition in accordance with the provisions of this Act shall have given his share or a portion of it in patni or other tenure or lease, such tenure or lease shall hold good, as regards the lands finally allotted to the share of the lessor, and only as to such lands.

Illustrations.

I.—A, the proprietor of a quarter share in a joint undivided estate held in common tenancy, gives to B a patni tenure of the whole of his interest in the estate, entitling B, as long as such estate is held in common tenancy, to collect one-fourth of the rent payable by every ryot on the estate;

Partition of the said estate is made under this Act, and certain specific lands are assigned to A as his separate estate;

B will become patnidar of the entire separate estate which has been assigned to A, and will be entitled to collect the whole of the rents from the ryots on that estate.

II.—A, the proprietor of a quarter share in a joint undivided estate held in common tenancy, gives to B a patni tenure of one-half of his share in the estate, entitling B, as long as such estate is held in common tenancy, to collect one-eighth of the rent payable by every ryot on the estate;

Partition of the estate is made under the Act, and certain specific lands are assigned to A as his separate estate;

B will become patnidar of one-half of A's separate estate, and will hold his patni in common tenancy with the half of A's interest which A has not given in patni, so that B will be entitled to collect one-half of the rent payable by every ryot on A's estate, and A will be entitled to collect the other half

Two estates may be united

129. If two or more estates shall come into the possession of one proprietor or of the same body of proprietors, such proprietor or body of proprietors, after being recorded as proprietors, may apply to have such estates united, and to hold them as a single estate.

Application for such union how to be made, and how to be dealt with.

130. Such application shall be made in writing to the Collector, and the Collector shall, not less than thirty days after the issue of a notification of such application (provided he see no objection), comply with the same, and cause the necessary entries to be made in the records of his office, and shall report the case to the Commissioner.

Cause of sale of a separate estate for arrears to be ascertained.

131. Whenever any separate estate created under this Act shall fall in arrear so as to require a sale of the land for the discharge of the arrear at any period within twelve years of the date of the confirmation of the partition, the Collector shall, if possible, ascertain the cause of the estate having fallen into arrear, and shall enquire whether such arrear has been caused by any fraudulent or erroneous allotment of the assessment or assignment of lands at the time of the partition, and shall make a report upon the case to the Commissioner for such action as the Commissioner may think proper.

In certain cases Lieutenant-Governor may order a new allotment of the land revenue.

132. If it shall be proved to the satisfaction of the Lieutenant-Governor at any time within twelve years from the date of the final confirmation of a partition by the Commissioner or by the Board, as the case may be, that through any fraud or error at the time of making the partition the assets of the lands assigned to any separate estate were not in proportion to the amount of land revenue for which such estate was made liable, or that the amount of land revenue assessed on any separate

estate was not in proportion to the assets of the lands assigned to such estate, the Lieutenant-Governor may order a new allotment of the land revenue upon the separate estates in accordance with the principles prescribed in this Act, on an estimate of the assets of each such estate as they stood at the time of the partition, such estimate being made on such evidence and information as may be procurable respecting the same.

Under-assessed estates to make refund to over-assessed estates.

133. Whenever the Lieutenant-Governor shall pass an order for the re-allotment of the land revenue on any separate estate under the last preceding section, the Lieutenant-Governor may direct that the proprietors whose estates are found to have been under-assessed shall, for each year during which they have held possession of the separate estates, be required to pay to the recorded proprietors of the estates which have been over-assessed, a sum equal to the annual amount in which the latter shall be found to have been over-assessed, and in default of payment the amount shall be leviable as provided in section one hundred and thirty-eight.

No order passed by the Lieutenant-Governor under this section shall be liable to be contested in any Court.

Publication of notifications under this Act.

134. Every notification required to be published in and by this Act shall, unless it is otherwise specially directed, be published by posting up copies of the same at the office of the Collector, and of the Deputy Collector who is making or has made the partition, at the mâl cutcherry or mâl cutcherries (if any) of the proprietors of the parent estate, and at one or more of the principal villages on the said estate.

Service of notice.

135. Every notice in and by this Act required to be served on any person may be served—

(1) by delivering the same to the person to whom it is directed, or, on failure of such service, by posting the same on some conspicuous part of the house in which the said person usually resides,

or by delivering the said notice to a general agent of the person to whom such notice is directed, or to any person who has been appointed in that behalf, or who has been appointed an agent of the person to whom the notice is directed for the general purposes of any partition under this Act; or

(2) by sending a registered letter containing such notice directed to the said person at his usual place of abode or to the place where he may be known to be residing; or

(3) by posting a copy of the notice at any mâl cutcherry of the person to whom the notice is directed;

or, if no such mâl cutcherry be found, and if the notice cannot be served in any of the other modes mentioned in this section, on some conspicuous place on the estate to which such notice relates.

In all cases where two or more persons are joint applicants for the separation of an estate to be held by them jointly as a separate estate, service of notice under this section on any one such joint applicant shall be deemed to be good and sufficient service on each and all of such joint applicants.

No proceedings under this Act to be affected by any mistake or misdescription.

136. Provided the directions of this Act be in substance and effect complied with, no proceedings under this Act shall be affected by reason of any mistake or by reason of any other informality, unless any person has suffered, or is in danger of suffering, material injury in consequence of such mistake or informality;

and no proceedings under this Act shall be affected by reason of the omission to issue any notification required by this Act, or to serve any notice on any person whose name is not recorded on the Collector's registers as proprietor of the estate in respect of which the notice is required to be served.

Fine in case of non-compliance with notice or requisition.

137. If any proprietor or other person shall fail to comply, within the time fixed by a notice served on him as by this Act provided, with any requisition made upon him under this Act by the Collector or Deputy Collector, the Collector or Deputy

Collector may impose upon him such daily fine as he may think fit, not exceeding fifty rupees;

and such fine shall be payable daily until the requisition is complied with,

and the Collector or Deputy Collector may proceed from time to time to levy the amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending;

Provided that, whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner, and no further levy in respect of such fine shall be made otherwise than by authority of the Commissioner.

Fees, &c., to be deemed a demand under Bengal Act VII of 1868.

138. Except as herein expressly otherwise provided, all fees, fines, costs, and other sums ordered to be paid by any person under this Act, shall be deemed to be demands under section 1 of Bengal Act VII of 1868 (*an Act to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*), and shall be leviable as such.

Power of Collector to enforce attendance of witnesses.

139. For the purpose of any enquiry under this Act, the Collector and Deputy Collector shall, in addition to every power conferred specially by this Act, have power to summon and enforce the attendance of witnesses, to examine witnesses, and to compel the production of documents by the same means (as far as may be), and in the same manner as is provided in the case of a Court under the Code of Civil Procedure.

Powers and functions assigned to Deputy Collector may be exercised by Collector.

140. All powers and functions which are assigned by this Act to a Deputy Collector may be exercised and discharged by the Collector; and whenever it is provided by this Act that any act done, or order made by a Deputy Collector shall require the sanction of the Collector, or shall be appealable to the Collector, if such act shall have been done or such order shall have been made by the Collector, it shall be deemed to have been sanctioned by the

Collector, or to have been confirmed by the Collector in appeal, as the case may be.

Government may vest Collector or Deputy Collector with certain powers.

141. The Lieutenant-Governor may vest any Collector or Deputy Collector with all or any of the powers which, under the provisions of any law for the time being in force, might be exercised by them respectively, or might be conferred on them respectively, if they were making a settlement of the parent estate.

Such powers may be conferred either generally in respect of all estates in the partition of which the Collector or Deputy Collector may at any time and in any district be engaged, or specially in respect of any particular estate.

Appeal to the Collector.

142. An appeal, if presented within one month from the date of the order appealed against, shall lie to the Collector against every order of a Deputy Collector

(*a*) directing, under section forty-one, by whom the costs of an enquiry held in consequence of an objection preferred shall be paid;

(*b*) accepting or adopting any papers under section sixty-three for the purposes of a partition;

(*c*) refusing, under section sixty-eight, to confirm a partition made by the parties or by arbitrators;

(*d*) fixing, under section eighty-nine, the limits of land and the rent to be paid for it in perpetuity;

(*e*) refusing, under section one hundred and four, to make a partition as applied for by the joint applicants;

(*f*) passed under section one hundred and ten in respect of lands held rent-free, or under section one hundred and eleven in respect of lands included in a tenure;

(*g*) imposing a fine under section one hundred and thirty-seven.

Appeal to the Commissioner.

143. An appeal, if presented to the Commissioner, or to the Collector for transmission to the Commissioner, within one month from the date of the order appealed against, shall lie to the Commissioner

against every order of the Collector (whether such order be passed by the Collector in the first instance, or in appeal from the order of a Deputy Collector)

(*a*) having the effect of rejecting an application for the partition of an estate, or for the separation of a share, or of putting an end to proceedings for effecting a partition or separation after the application has been admitted;

(*b*) directing, under section thirty-one, that an application for partition or separation be admitted;

(*c*) accepting or adopting any papers under section sixty-three for the purposes of a partition;

(*d*) refusing, under section sixty-eight, to confirm a partition made by the parties or by arbitrators;

(*e*) setting aside, amending, or approving the general arrangement of the partition under section seventy-five;

(*f*) approving, with or without amendment, a partition made by a Deputy Collector, or directing such partition to be amended or a fresh partition to be made, or making a fresh partition under section eighty-one;

(*g*) fixing, under section eighty-nine, the limits of land and the rent to be paid for it in perpetuity;

(*h*) refusing, under section one hundred and two, to allow a partition to be made in accordance with an existing private division;

(*i*) passed under section one hundred and ten in respect of lands held rent-free, or under section one hundred and eleven in respect of lands included in a tenure;

(*k*) approving or disallowing, under section one hundred and fourteen, the allotment to the estate under partition of a portion of lands held in common tenancy between the proprietors of such estate and the proprietors of one or more other estates;

(*l*) passed under section one hundred and sixteen as to disputes or doubts regarding land;

(*m*) imposing or confirming the imposition of a fine under section one hundred and thirty-seven;

(*n*) imposing any fine amounting to more than fifty rupees, or directing the payment of any costs amounting to more than fifty rupees.

Appeal to the Board.

144. An appeal, if presented to the Board, or to the Commissioner for transmission to the Board, within six weeks from the date of the order appealed against, shall lie to the Board against every order of the Commissioner which confirms, modifies, or reverses any order of the Collector

(*a*) having the effect of rejecting an application for the partition of an estate, or for the separation of a share, or of putting an end to proceedings for effecting a partition or separation after the application has been admitted;

(*b*) directing, under section thirty-one, that an application for partition or separation be admitted;

(*c*) accepting or adopting any papers under section sixty-three for the purposes of a partition;

(*d*) approving or disallowing, under section one hundred and fourteen, the allotment to the estate under partition, of a portion of lands held in common tenancy between the proprietors of such estate and the proprietors of one or more other estates;

and against every order of the Commissioner

(*e*) directing, under section forty, that any proprietor shall pay more than his proportionate share of the expenses of a partition, when the excess which he is ordered to pay exceeds five hundred rupees;

(*f*) directing, under section one hundred and thirteen, that any sum shall be paid by the proprietor of an estate other than the estate under partition, when such sum exceeds five hundred rupees;

(*g*) confirming, under section one hundred and eighteen or section one hundred and twenty, or amending or setting aside under section one hundred and twenty, a partition as made by the Collector;

(*j*) imposing, or confirming the imposition of any fine amounting to five hundred rupees, or ordering or confirming an order directing the payment of any costs amounting to more than five hundred rupees.

145. Except as provided in the three last preceding sections, no appeal shall lie as of right against any order passed under this Act by any officer; but the proceedings and orders of every Deputy Collector under this Act shall be subject to the supervision and control of the Collector; the proceedings and orders of every Deputy Collector and of the Collector to the supervision and control of the Commissioner; and the proceedings and orders of all revenue officers, to the supervision and control of the Board;

No appeal to lie against any order passed under this Act.

and any order passed and anything done under this Act may be modified, amended, or reversed by the supervising and controlling authority at any time before possession of their respective separate estates has been given to the several proprietors as provided in section one hundred and twenty-three, but not after such possession has been given, except as provided in the next succeeding section.

146. Any proceedings of a revenue officer connected with giving possession to the proprietors of their respective separate estates as provided in section one hundred and twenty-three, may be set aside or amended as above provided by any supervising and controlling revenue authority, provided that such supervising and controlling authority shall within three months of the date on which such possession may have been given, make an order to the effect that such proceedings are under the consideration of such authority.

Proceedings connected with giving possession may be set aside within three months of date of giving possession.

Such order shall be communicated to the Collector of the district, who shall cause the same to be published by notification in the manner prescribed by section one hundred and thirty-four.

147. The Commissioner and the Board may pass such orders as they shall think fit in respect of the payment of costs of any appeal which is made to them respectively under this Act.

Orders as to costs on appeal.

Powers of officers exercising jurisdiction under this Act with regard to false evidence.

148. If, in any case in which a Collector or other officer shall exercise jurisdiction under this Act, any person is guilty of the offence of giving or fabricating false evidence, or of forgery, as defined in the Indian Penal Code, or of abetting any of those offences, such Collector or other officer shall have the same powers in respect of such offence, and of the person charged with committing the same, as are vested by the Code of Criminal Procedure in a civil court, when any such offence is committed before or against such court, or when a document believed to be a forgery is given in evidence in any proceedings in such court.

Orders of revenue officer which are not liable to be set aside by civil suit.

149. No order of a revenue officer

(*a*) refusing to allow a partition on the grounds mentioned in section eleven;

(*b*) rejecting or directing to be amended an application under section twenty;

(*c*) made under the first clause of section thirty-two;

(*d*) made under Part IV, Part V, Part VI, Part VII, Part VIII (except as provided in the next succeeding section), or Part IX;

(*e*) imposing a fine;

(*f*) in respect of the payment of costs of any appeal under section one hundred and forty-seven,

shall be liable to be contested or set aside by a suit in any court, or in any manner other than as is expressly provided in this Act.

When suit may be brought to set aside order of revenue officer.

150. Notwithstanding anything contained in clause (*d*) of the last preceding section,

any person claiming a greater interest in any lands which were held in common tenancy between two or more estates than has been assigned to him by the order of a revenue officer under section one hundred and twelve or section one hundred and fourteen;

and any person who is aggrieved by any order of a revenue officer passed under section one hundred and sixteen;

May bring a suit in a court of competent jurisdiction to modify or set aside such orders of the revenue officer.

Board to be guided by instructions of Lieutenant-Governor

151. In the execution of the duties vested in the Board by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the Lieutenant-Governor.

Board may lay down rules

152. The Board may, from time to time, make rules, not being inconsistent with this Act—

(*a*) to regulate the expenses of effecting partitions, or the amount of fees to be levied in respect of partitions, the allotment of the same among the proprietors, and the instalments in which, and the times at which, the same shall be levied under Part IV;

(*b*) to regulate the receipts, disbursements, and management of any "Estates' Partition Fund" formed under section forty-five;

(*c*) to regulate the employment and remuneration of amins and other subordinate officers appointed under Part IV, to enable the officer making the partition to keep himself informed of the proceedings of such officers, and to exercise a proper control over them;

(*d*) to regulate the form in which the partition papers shall be framed under section sixty-six and section seventy-seven;

(*e*) and generally for the guidance of officers in conducting partitions under this Act.

SCHEDULE.

See Section 2.

Number and year.	Subject or abbreviated title.	Extent of repeal
Regulation XI of 1811	For extending period of revising jama on certain lands.	So much as has not been repealed
Regulation XIX of 1814	Consolidating Regulations respecting Partition of Estates	Ditto.
Act XX of 1836 ...	Quashing of Butwarras	Ditto.
Act XI of 1838	Remuneration of persons effecting a partition.	Ditto.

Reg. No. 7775—2,000—18-10-76.

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IN THE

YEAR 1876.

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